



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix A ... segment I

LRB BILL HISTORY RESEARCH APPENDIX

The drafting file for 2015 LRB-2980/P2 (For: DSPS)

has been copied/added to the drafting file for

2015 LRB-3799 (For: DSPS)

Are These "Companion Bills" ?? ... No



RESEARCH APPENDIX - PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 11/10/2015 (Per: MPG)

The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as an appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the digital drafting file.

2015 DRAFTING REQUEST

Bill

Received: 8/19/2015 Received By: mgallagh
For: Safety and Professional Services 267-9794 Same as LRB:
May Contact: By/Representing: Jeff Grothman
Subject: Occupational Reg. - misc Drafter: mgallagh
Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Jeffrey.Grothman@wisconsin.gov
Carbon copy (CC) to: michael.duchek@legis.wisconsin.gov
michael.gallagher@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Various changes concerning the professional regulation functions of DSPS.

Instructions:

See attached

Drafting History:

<u>Verz.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mgallagh 8/28/2015	knoch 9/3/2015	_____			
/P1	mgallagh 9/28/2015	knoch 10/1/2015	_____	lparisi 9/3/2015		State
/P2			_____	lparisi 10/1/2015		State

LRB-2980
10/1/2015 10:14:45 AM
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FE Sent For:

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DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Required minimum number of annual meetings	Proposed Change to Regulations	Rationale
<p>15.07 (3) (bm) 3. The auctioneer board shall meet at least 4 times each year.</p> <p>15.07 (3) (bm) 6. The cemetery board shall meet at least 4 times each year.</p> <p>15.08 (3) (a) Every examining board shall meet annually and may meet at other times on the call of the chairperson or a majority of its members.</p> <p>15.08 (3) (c) The hearing and appeals examining board shall meet at least once every 3 months.</p> <p>15.405 (2) (a) In operation, the examining board shall be divided into an architect section, a landscape architect section, a professional engineer section, a designer section, and a professional land surveyor section. Each section shall consist of the 3 members of the named profession appointed to the examining board and 2 public members appointed to the section. The examining board shall elect its own officers and shall meet at least twice annually.</p>	<p>Change: Required minimum number of meetings should be eliminated.</p> <p>Rationale: Requiring boards and councils to meet at least a certain number of times per year regardless of whether there is business unnecessarily wastes time and resources.</p> <p>Repeal 15.07 (3) (bm) 3.</p> <p>Repeal 15.07 (3) (bm) 6.</p> <p>Amend 15.08 (3) (a) Every examining board shall meet annually and may meet at other times on the call of the chairperson or of a majority of its members.</p> <p>Repeal 15.08 (3) (c)</p> <p>Amend 15.405(2)(a) to read: In operation, the examining board shall be divided into an architect section, a landscape architect section, a professional engineer section, a designer section, and a professional land surveyor section. Each section shall consist of the 3 members of the named profession appointed to the examining board and 2 public members appointed to the section. The examining board shall elect its own officers. and shall meet at least twice annually.</p>	<p>Required minimum number of annual meetings</p> <p>4</p> <p>4</p> <p>1</p> <p>1</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Proposed Change	Current Code	Proposed Code
<p>Amend 15.405(2m)(b) to read: In operation, the examining board shall be divided into a professional geologist section, a professional hydrologist section and a professional soil scientist section. Each section shall consist of the 3 members of the named profession appointed to the examining board and one public member appointed to the section. The examining board shall elect its own officers, and shall meet at least twice annually.</p>	<p>15.405(2m)(b) In operation, the examining board shall be divided into a professional geologist section, a professional hydrologist section and a professional soil scientist section. Each section shall consist of the 3 members of the named profession appointed to the examining board and one public member appointed to the section. The examining board shall elect its own officers, and shall meet at least twice annually.</p>	
<p>Amend 15.407(10)(b) to read: An employee of the department designated by the secretary of safety and professional services shall serve as secretary, but shall not be a member, of the council. The council shall meet at least twice a year. Seven members of the council shall constitute a quorum. For the purpose of conducting business a majority vote of the council is required.</p>	<p>15.407(10)(b) An employee of the department designated by the secretary of safety and professional services shall serve as secretary, but shall not be a member, of the council. The council shall meet at least twice a year. Seven members of the council shall constitute a quorum. For the purpose of conducting business a majority vote of the council is required. [Uniform dwelling code council]</p>	
<p>Amend 15.407(13)(b) to read: The council shall meet at least twice a year. An employee of the department designated by the secretary of the department shall serve as nonvoting secretary of the council. [Manufactured housing code council]</p>	<p>15.407(13)(b) The council shall meet at least twice a year. An employee of the department designated by the secretary of the department shall serve as nonvoting secretary of the council. [Manufactured housing code council]</p>	
<p>Amend 15.407(14)(b) to read: The council shall meet at least twice a year. The employee of the department of safety and professional services designated by the secretary of safety and professional services under par. (a) 10. shall serve as nonvoting secretary of the council. [Conveyance safety code council]</p>	<p>15.407(14)(b) The council shall meet at least twice a year. The employee of the department of safety and professional services designated by the secretary of safety and professional services under par. (a) 10. shall serve as nonvoting secretary of the council. [Conveyance safety code council]</p>	
<p>Repeal 15.407(18)(c).</p>	<p>15.407(18)(c) The council shall meet at least 2 times annually.</p>	

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change to Statute
<p>Waiver of 60 day review period for affiliated board to which the affiliated credentialing board is attached</p> <p>ONLY APPLICABLE TO THE MEDICAL EXAMINING BOARD</p>	<p>15.085 (5) (b) 1. Submit the proposed rule to the examining board to which the affiliated credentialing board is attached. The proposed rule shall be submitted under this subdivision at least 60 days before the proposed rule is submitted to the legislative council staff under s. 227.15 (1).</p>	<p>Change: Amend 15.085 (5) (b) 1. for the Medical Examining Board allowing the Medical Examining Board to waive the 60 day waiting period once the Medical Examining Board has reviewed and made a determination on the rule.</p> <p>Rationale: Once the Medical Examining Board has made a determination on the proposed rule, the remaining days that the proposed rule waits for submission to Legislative Council is unnecessarily burdensome on the rule promulgation process.</p>
<p>Real Estate Appraiser Board – Composition of the Board</p>	<p>15.405 (107) (b) Of the appraiser members of the board, one shall be certified under s. 458.06 as a general appraiser, one shall be certified under s. 458.06 as a residential appraiser and one shall be licensed under s. 458.06 as an appraiser. No public member of the board may be connected with or have any financial interest in any other real estate-related business. Section 15.08 (1m) (am) applies to the public members of the board. No member of the board may serve more than 2 consecutive terms.</p>	<p>Change: Eliminate requirement that one of the appraiser members be licensed under s. 458.08. Amend 15.405 (107) (b) to read:</p> <p>15.405 (107) (b): Of the appraiser members of the board, one all shall be certified under chapter 458 s. 458.06 as a general appraiser, and one shall be certified under s. 458.06 as a residential appraiser, and one shall be licensed under s. 458.06 as an appraiser. No public member of the board may be connected with or have any financial interest in an appraisal business or in any other real estate-related business. Section 15.08 (1m) (am) applies to the public members of the board. No member of the board may serve more than 2 consecutive terms.</p> <p>Rationale: This license is the lowest tier of the appraiser credentialing. Very few individuals obtain an appraiser license under s. 458.08, and as a result it is very difficult to fill this position on the board.</p>
<p>Real Estate Appraiser</p>	<p>15.405 (107) (c) Notwithstanding s. 15.07 (4), a majority of</p>	<p>Change: Repeal 15.405 (107) (c).</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Proposed Changes/Rationale	Current Statute	Proposed Change/Rationale
<p>Rationale: This provision creates an artificial barrier to conducting business. Section 15.07 (4) is a sufficient quorum requirement.</p>	<p>the board constitutes a quorum to do business only if at least 2 of the members present are appraiser members and at least one of the members present is a public member.</p>	<p>15.406 (6) (a) 2. One public member who satisfies the requirements under s. 460.03 (2m) (b). <i>Just 2 standard public members</i></p>
<p>Change: Amend the public member requirement to read: One public member who satisfies the requirements under s. 460.03 (2m) (b).</p>	<p>Public member of Massage Therapy and Bodywork Therapy Affiliated Credentialing Board</p>	<p>Chapters 101, 145, 440, 167 <i>combine credentialing/licensing or enforcement</i></p>
<p>Change: Merge statutory chapters to reflect the Commerce/DRL merger. When Commerce and DRL were merged into one agency they still retained their separate statutes. This causes issues because several chapters give the Department and the Secretary different power and authority. Also, licensure violations are treated differently which becomes a prosecutorial issue when investigating complaints against license holders. Merging the chapters into one chapter will bring about consistency with the day to day operation of the agency. The Legislative Reference Bureau will need to resolve points of conflict, especially regarding enforcement.</p>	<p>Administration of building code and compliance with new uniform commercial building code</p>	<p>101.02 (7m) Notwithstanding sub. (7) (a), no city, village or town may make or enforce any ordinance that is applied to any multifamily dwelling, as defined in s. 101.971 (2), and that does not conform to subch. V and this section or is contrary to an order of the department under this subchapter, except that if a city, village or town has a preexisting stricter sprinkler ordinance, as defined in s. 101.975 (3) (a), that ordinance remains in effect, except that the city, village or town may take any action with regard to that ordinance that a political subdivision may take under s. 101.975 (3) (b).</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Current Statute	Proposed Change	Rationale
<p>(7) (a) Notwithstanding sub. (7) (a), no city, village, or town may enact or enforce an ordinance that establishes minimum standards for constructing, altering, or adding to public buildings or buildings that are places of employment unless that ordinance strictly conforms to the applicable rules under sub. (15) (j), except as provided in pars. (b) to (d).</p>	<p>customers.</p>	
<p>Aging schools program</p>	<p>101.12 (6) (a) By January 1, 1990, the department shall inspect all public schools constructed prior to January 1, 1950, to determine whether the schools comply with this subchapter and subch. IV, ch. 145 and life-safety plans established under par. (b) and to review the maintenance schedules established by school boards under s. 201.12 (5). (b) The department shall promulgate rules relating to the enforcement of this subchapter, and subch. IV and ch. 145 for public schools constructed before 1930 and establishing life-safety plans for all public schools.</p>	<p>Change: Repeal 101.12 (6) (a). Rationale: These provisions have sunset and are superseded by the IBC.</p>
<p>Safety Glazing requirements</p>	<p>101.125 (lengthy section) (4) Liability of employers and sellers: (a) No employee of a person responsible for compliance with this section is liable for the employer's failure to comply. (b) No seller of glazing materials is subject to the penalty under sub. (5) if the seller has exercised reasonable care to see that the glazing materials sold by him or her are properly used. (5) Penalty. Whoever violates this section may be required to forfeit not less than \$100 nor more than \$500.</p>	<p>Change: Repeal 101.125 except keeping 101.125 (4) and (5). Rationale: Safety Glazing requirements superseded by IBC 2406</p>
<p>State historic building code list of variances</p>	<p>101.121 (3) (b) In order to permit the proper preservation or restoration of a qualified historic building, the department</p>	<p>Change: Amend 101.121 (3) (b) to read:</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statute/Ordinance	Proposed Change/Rationale
Building inspector review board responsibilities	<p>may grant a variance to any rule or alternative rule under this chapter or ch. 145 if the owner demonstrates that an alternative proposed by the owner accomplishes the same purpose as the rule or alternative rule. With respect to any variances requested under this chapter or ch. 145, the department shall give priority to processing variance requests by owners of qualified historic buildings. The department shall maintain a list of variances granted under this paragraph to owners of qualified historic buildings.</p>	<p>101.121 (3) (b) In order to permit the proper preservation or restoration of a qualified historic building, the department may grant a variance to any rule or alternative rule under this chapter or ch. 145 if the owner demonstrates that an alternative proposed by the owner accomplishes the same purpose as the rule or alternative rule. With respect to any variances requested under this chapter or ch. 145, the department shall give priority to processing variance requests by owners of qualified historic buildings. The department shall maintain a list of variances granted under this paragraph to owners of qualified historic buildings.</p> <p>Rationale: This list is available, but has not been requested.</p>
Building inspector review board responsibilities	<p>101.596 (2) Responsibilities. (a) The review board shall review complaints received from permittees concerning possible incompetent, negligent, or unethical conduct by building inspectors. (b) After reviewing a complaint received under par. (a), the review board may revoke the certification of a building inspector if the board determines that the building inspector has engaged in incompetent, negligent, or unethical conduct.</p>	<p>Change: Clarify that the Department has authority over an inspector's license. (a) The department shall review complaints received from permittees concerning possible incompetent, negligent, or unethical conduct by building inspectors. (b) After reviewing a complaint received under par. (a), the department may revoke the certification of a building inspector if the board determines that the building inspector has engaged in incompetent, negligent, or unethical conduct.</p> <p>Rationale: The statutes are confusing with regards to who has jurisdiction in disciplinary matters? The department or the board?</p>
Department review of municipal construction site erosion control program	<p>101.653 (5) (b) The department shall review the construction site erosion control program for one- and 2-family dwellings of each city, village, town or county that enforces those provisions of an ordinance enacted under s. 101.65 (1) (a) related to construction site erosion to ascertain compliance</p>	<p>Change: Amend 101.653 (5) (b) 2. to read: 101.653 (5) (b) 2. A written determination by the department, issued every 3 ½ years, of whether or not the county, city, village or town complies with par. (a).</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Current Language	Proposed Change and Rationale
<p>with par. (a) and the rules promulgated under this section.</p> <p>This review shall include all of the following:</p> <p>1. A performance audit of the erosion control program of the county, city, village or town.</p> <p>2. A written determination by the department, issued every 3 years, of whether or not the county, city, village or town complies with par. (a).</p>	<p>Rationale: Adjusting the frequency of the written audits to every 5 years is still in federal compliance with erosion control requirements.</p>
<p>101.971 101.972 101.973 101.974 101.975 101.976 101.977 101.978</p>	<p>Change: Repeal sections 101.971, 101.972, 101.973, 101.974, 101.975, 101.976, 101.977, and 101.978 except keeping sections 101.973 (2), (5), and (10) and 101.974 (4) and (5) to be merged with 101.02 and 101.12. <i>(2) (5) (10) (4) (5)</i></p> <p>Rationale: Multi-Family Code requirements appear to be superseded by BC Residential requirements. Uniformity of MFC now covered by 2013 Act 270.</p>
<p>101.94 (1) Mobile homes, manufactured, distributed, sold or offered for sale in this state shall conform to the code promulgated by the American National Standards Institute and identified as ANSI Z119.1, including all revisions thereof in effect on August 28, 1973, and further revisions adopted by the department and the department of health services. The department may establish standards in addition to those required under ANSI 119.1. This subsection applies to units manufactured or assembled after January 1, 1974, and prior to June 15, 1976.</p> <p>(2) No person may manufacture, assemble, distribute or sell a manufactured home unless the manufactured home complies with 42 USC 5401 to 5425 and applicable regulations.</p>	<p>Change: Add language to 101.94 to provide reports pursuant to section 614 of Act 42 USC 5413 and the HUD regulations.</p> <p>Rationale: We currently do not have statutory or code provisions as required by HUD to provide reports pursuant to section 614 of Act 42 USC 5413 and the HUD regulations in the same manner and to the same extent as if the State Plan were not in effect.</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Update civil and criminal penalties	<p>101.94 (8) Except as provided in par. (c), a person who violates this subchapter, a rule promulgated under this subchapter or an order issued under this subchapter shall forfeit not more than \$1,000 for each violation. Each violation of this subchapter constitutes a separate violation with respect to each manufactured home or with respect to each failure or refusal to allow or perform an act required by this subchapter, except the maximum forfeiture under this subsection may not exceed \$1,000,000 for a related series of violations occurring within one year of the first violation.</p> <p>(b) Any individual or a director, officer or agent of a corporation who knowingly and willfully violates this subchapter in a manner which threatens the health or safety of a purchaser may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.</p> <p>(c) A person who violates s. 101.935, a rule promulgated under s. 101.935 or an order issued under s. 101.935, may be required to forfeit not less than \$10 nor more than \$250 for each violation. Each day of continued violation constitutes a separate violation.</p>	<p>Proposed Change and Rationale</p> <p>Change: Update WI Stat 101.94 (8) to the revised federal standards as required § 3282.10 Civil and Criminal Penalties, \$4,100 per violation and \$1,375,000 per year.</p>
<p>Authority to write uniform plumbing code</p>	<p>145.02 (2) The department shall have general supervision of all such plumbing and shall after public hearing prescribe and publish and enforce reasonable standards therefor which shall be uniform and of statewide concern so far as practicable. Any employee designated by the department may act for the department in holding such public hearing. To the extent that the historic building code applies to the subject matter of these standards, the standards do not apply to a qualified historic building if the owner elects to be subject to s. 101.121.</p>	<p>Change: Consolidate this redundant language that gives the department the authority to write a uniform plumbing code.</p> <p>Rationale: We don't need the same authority to write a plumbing code in two different places of the statute.</p> <p>see next page.</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Rules	Proposed Change and Rationale
Temporary revocable master and journeyman plumber permits	145.13 Adoption of plumbing code. The state plumbing code and amendments to that code as adopted by the department have the effect of law in the form of standards statewide in application and shall apply to all types of buildings, private or public, rural or urban, including buildings owned by the state or any political subdivision thereof. The state plumbing code shall comply with ch. 160. All plumbing installations shall so far as practicable be made to conform with such code.	Change: Repeal 145.035 Rationale: These temporary permits are no longer issued.
Soil testing by plumbers	145.035 Temporary permits. The department may issue temporary revocable permits to master and journeyman plumbers pending examination, and for such purpose may appoint agents without compensation to may authorize one of its examiners or plumbing supervisors to hold a special permit examination, the result of which to be reported to the department in writing. The department may make rules and prescribe procedure governing the issuance of such permits.	Change: Amend 145.045 (3) to read: Plumbers and septic tank installers. A plumber or septic tank installer may also be a soil tester and install any system after approval of the site or project by the department or the governmental unit responsible for the regulation of private on-site wastewater treatment systems. Rationale: There is no license category with the title "Septic Tank Installer".
Eliminate notary requirement	157.65 (2) (b) A notarized statement of a person who is legally authorized to act on behalf of the religious society under this section that, during the reporting period under s. 157.62, each cemetery and the cemetery authority of each	Change: Amend 157.65 (2) (b) to read: 157.65 (2) (b) A notarized statement of a person who is legally authorized to act on behalf of the religious society

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Current Statute Language	Proposed Change and Rationale
<p>448.02 (b) Administrative Warnings [lengthy provision]</p> <p>448.02 (b) Administrative Warnings [need board – lengthy section]</p>	<p>under this section that, during the reporting period under s. 157.62, each cemetery and the cemetery authority of each cemetery specified under par. (a) have either fully complied or have substantially complied with ss. 157.11 (9g) and 157.12 (b).</p> <p>Rationale: It is unnecessary to have this statement notarized.</p>
<p>Administrative Warnings – how many can be issued to a specific licensee</p>	<p>Change: The statutes should be amended to clearly permit issuance of administrative warnings (AW) whenever the credentialing authority (boards or department) concludes that the violation does not compromise public safety and does not warrant formal discipline. – Authority to administer multiple</p> <p>Rationale: As a policy matter, the credentialing authority wants to be able to issue AWs rather than discipline in any case where an AW is appropriate. Because of the collateral consequences (loss of income, damage to reputation, etc.) of formal discipline, clarifying that the credentialing authority has the discretion to issue more than one AW per credential holder would likely lessen the collateral consequences or discipline on credential holders without compromising public safety.</p>
<p>Physician assistant renewal and registration date 3cc 15-2438/PZ</p>	<p>Change: Amend 440.08 (2) (a) 59. to read: Physician assistant: March 1 of each odd-numbered-year even-numbered year.</p> <p>Amend 448.07 (1) (a) to read: Every person licensed or certified under this subchapter shall register on or before November 1 of each odd-numbered-year following issuance of the license or certificate with the board at such time and in such manner as the board shall designate and upon forms the board shall provide. The secretary of the board, on or before October 1 of each odd-numbered-year, shall mail or cause to be mailed to every</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Regulatory Language	Rationale
Cemetery preneed seller notary requirement	<p>440.92 (9) (b) (3) A notarized statement of a person who is legally authorized to act on behalf of the religious society under this subsection that, during the 12-month period immediately preceding the date on which the certification is filed with the department, each employee specified under subd. 2. and the cemetery authority have either fully complied or have substantially complied with subs. (2), (3) (a) and (b) and (5).</p>	<p>person required to register a registration form. The board shall furnish to each person registered under this section a certificate of registration, and the person shall display the registration certificate conspicuously in the office at all times. No person may exercise the rights or privileges conferred by any license or certificate granted by the board unless currently registered as required under this subsection.</p>	<p>Change: Amend 440.92 (9) (b) (3) to read: 440.92 (9) (b) (3) A notarized statement of a person who is legally authorized to act on behalf of the religious society under this subsection that, during the 12-month period immediately preceding the date on which the certification is filed with the department, each employee specified under subd. 2. and the cemetery authority have either fully complied or have substantially complied with subs. (2), (3) (a) and (b) and (5). Rationale: It is unnecessary to have this statement notarized.</p>
Funeral directors reciprocity in issuance of licenses	<p>445.08 (1) Any person holding a valid license as a funeral director or embalmer in another state having requirements substantially equal to those in this state for a funeral director's license may apply for a license to practice in this state by filing with the examining board a certified statement from an authorized official of the state in which the applicant holds a license, showing the qualifications upon which said license was granted. The regional examining board may, upon the payment of the required fee, issue a funeral director's license.</p>	<p>445.08 (1) Any person holding a valid license as a funeral director or embalmer in another state having requirements substantially equal to those in this state for a funeral director's license may apply for a license to practice in this state by filing with the examining board a certified statement from an authorized official of the state in which the applicant holds a license showing the qualifications upon which said license was granted. The applicant shall take the state jurisprudence exam and comply with 445.045(1)(b). Thereupon the examining board may, upon the payment of</p>	<p>Change: Repeal 445.08(4) and amend 445.08 (1) to read: 445.08 (1) Any person holding a valid license as a funeral director or embalmer in another state having requirements substantially equal to those in this state for a funeral director's license may apply for a license to practice in this state by filing with the examining board a certified statement from an authorized official of the state in which the applicant holds a license showing the qualifications upon which said license was granted. The applicant shall take the state jurisprudence exam and comply with 445.045(1)(b). Thereupon the examining board may, upon the payment of</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Current Statute	Proposed Change	Rationale
<p>arranged and conducted by the examining board for a reciprocal funeral director's license shall be in writing and verified on a form to be furnished by the examining board, and shall be accompanied by all of the following:</p> <p>(a) Proof of compliance with the requirements for a reciprocal funeral director's license.</p> <p>(b) Any other information that the examining board requires.</p> <p>(c) The examination fee for each application.</p>	<p>the required fee, issue a funeral director's license.</p> <p>Rationale: This is consistent with the requirements for other reciprocal licenses, where there is no requirement to show the qualifications at the time of licensure. This change will eliminate the need for an applicant to supply the DPS with statutes from another state as they existed at the time they received another state's credential, which could be 20 years ago. By looking at the requirements as they exist today for another state's credential, we will ease the burden on applicants attempting to receive their funeral director credential by reciprocity. Repealing sub. (4) and the insertion in (1) clarifies the reciprocity applicants are required to take the jurisprudence exam and not have convictions substantially related to the practice of a funeral director without requiring additional requirements which defeats the purpose of transportability of license and reciprocity.</p>	<p>Rationale: This is consistent with the requirements for other reciprocal licenses, where there is no requirement to show the qualifications at the time of licensure. This change will eliminate the need for an applicant to supply the DPS with statutes from another state as they existed at the time they received another state's credential, which could be 20 years ago. By looking at the requirements as they exist today for another state's credential, we will ease the burden on applicants attempting to receive their funeral director credential by reciprocity. Repealing sub. (4) and the insertion in (1) clarifies the reciprocity applicants are required to take the jurisprudence exam and not have convictions substantially related to the practice of a funeral director without requiring additional requirements which defeats the purpose of transportability of license and reciprocity.</p>
<p>Social Work Training Certificates</p>	<p>457.09 (7) (b) A social worker training certificate shall expire on the date on which the certificate holder receives the results of the examination that he or she has taken under sub. (5) (a) if that date occurs before the end of the period specified in par. (a).</p>	<p>Change: The provision should be changed to state that social work training certificates are good for 24 months or until the certificate holder passes the exam for full licensure. <i>with services</i></p> <p>Rationale: The current provision states that the social work training certificate is good either for 24 months or until the certificate holder receives the results of the examination that he or she has taken. The problem is that, if the social worker in training fails the exam, then they are out of work.</p>
<p>Remove references to chiropractic "technologist" and chiropractic radiological "technologist"</p>	<p>446.02 (7) (3) 1. Beginning on July 1, 2010, a chiropractor may delegate X-ray services only to a chiropractic radiologist. 2. Beginning on July 1, 2010, a chiropractor may delegate adjunctive services only to a chiropractic technologist.</p>	<p>Change: Amend 446.02 (7) (3) 1. & 2 to read: 1. Beginning on July 1, 2010, a chiropractor may delegate X-ray services only to a chiropractic radiological technologist. 2. Beginning on July 1, 2010, a chiropractor may delegate adjunctive services only to a chiropractic technologist technician.</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change	Rationale
<p>MPSW credentials requirement for examination conflicts with 2013 Act 114</p>	<p>457.16 (B) An individual is not eligible for examination unless he or she satisfies the requirements for certification or licensure under s. 457.08 (1) (a), (2) (intro.) and (3) (intro.) and (a) to (c) or (4) (intro.) and (a) to (c), 457.10 (1) and (2), or 457.12 (1) and (2) and, at least 30 days before the date of the examination, submits an application for examination to the department on a form provided by the department and pays the fee specified in s. 446.05 (1).</p>	<p>Change: Repeal</p> <p>Rationale: Pursuant to the enactment of 2013 Wisconsin Act 114, the Department of Safety and Professional Services and its attached boards may no longer require any person to complete any postsecondary education before the person is eligible to take an examination for a credential. Section 457.16 (B) requires completion of education requirements prior to taking an examination which is in direct conflict with 2013 Act 114. It also refers to an application for examination rather than an application for licensure.</p>	<p>Rationale: The term "technologist" is only used in s. 446.02 (7) (3) 1. & 2 and appears to be a drafting error. It is nonsensical to restrict adjunctive services & x-rays to types of professions for which there is no statutory definition or regulatory requirements.</p> <p>Sections 446.025 and 446.026 relate to the regulation of chiropractic "technicians" and chiropractic radiological "technicians". These sections specify that no person may provide x-ray services on behalf of a chiropractor unless the person is a chiropractic radiological technician and that no person may provide adjunctive services unless the person is a chiropractic technician. These sections also specify the requirements for technician certification and renewal including providing the Chiropractic Examining Board the authority to establish an approved course of study for certification.</p>
<p>Examining Board of Professional Geologists, Hydrologists, and Soil Scientists</p>	<p>470.05 Examination. Beginning no later than January 1, 2000, the appropriate section of the examining board shall conduct or arrange for examinations for licensure as a professional geologist, hydrologist or soil scientist at least semiannually and at times and places determined by the section. Examinations under this section shall require an applicant to</p>	<p>Change: Remove reference to conducting and arranging examinations semiannually.</p> <p>Rationale: GHSS professionals take a national exam. The examining board does not conduct or arrange for examinations. The requirement for the test to be at least semiannually and at times and</p>	<p>Sections 446.025 and 446.026 relate to the regulation of chiropractic "technicians" and chiropractic radiological "technicians". These sections specify that no person may provide x-ray services on behalf of a chiropractor unless the person is a chiropractic radiological technician and that no person may provide adjunctive services unless the person is a chiropractic technician. These sections also specify the requirements for technician certification and renewal including providing the Chiropractic Examining Board the authority to establish an approved course of study for certification.</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Study/Work	Proposed Changes/Revisions
	demonstrate minimum competency in the principles and practice of subjects substantially related to the practice of professional geology, hydrology or soil science and may consist of one or more written or oral tests, or both.	Places determined by the section are irrelevant and not required.

DRAFT



By 1 hour 7/3 1 note
State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2980
MPG:llm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

1/PI

- 1 AN ACT ^{Generate Catalog} relating to: mandatory meeting requirements for various boards and
 2 councils under the Department of Safety and Professional Services,
 3 membership of certain boards, discipline of licensed professionals, rules
 4 procedures for the Medical Examining Board, and examination and other
 5 licensure requirements for certain professionals.

Analysis by the Legislative Reference Bureau

This bill makes a number of changes to the laws governing the Department of Safety and Professional Services (DSPA) and the various boards and councils under DSPA, including the following:

1. Eliminates mandatory annual and semiannual meeting requirements of the examining boards, affiliated credentialing boards, and other boards and councils under DSPA, except for the Medical Examining Board (MEB), which is required to meet 12 times each year. Instead, under the bill, those boards and councils are generally required to meet on the call of the chairperson or a majority of the members of the board or council.
2. Provides that DSPA and the examining boards, affiliated credentialing boards, and other boards under DSPA that have disciplinary authority over credential holders may issue an administrative warning regardless of whether the minor violation for which the administrative warning is issued is a first occurrence for the credential holder. Under current law, an administrative warning may be issued only if DSPA or the relevant board finds that the credential holder's violation is a first occurrence of a minor violation.

3. Removes the specific time by which a licensed physician or other credentialed medical professional must register with ~~the~~ MEB. Under current law, each licensed physician or other credentialed medical professional must register with ~~the~~ MEB by November 1 of each odd-numbered year following initial licensure. Under the bill, ~~the~~ MEB determines the time and manner of such registration.

4. Requires a jurisprudence examination for applicants for licensure as a funeral director that tests an applicant's knowledge of state law relating to funeral directing. Under current law, an applicant for a funeral director's license must pass an examination that includes the subjects of funeral directing, burial, anatomy, bacteriology, autopsy, chemistry, and practical embalming. The bill does not affect that examination requirement. The bill also requires that a person from another state applying for a reciprocal funeral director's license must pass the jurisprudence examination in addition to certain other requirements.

5. Eliminates certain prerequisite degree requirements to sit for an examination for licensure by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board. The bill does not alter the education requirements for licensure by that board, but, instead, allows applicants for licensure to take the examination before completion of those education requirements.

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:

1 SECTION 1. 15.07 (3) (b) of the statutes is amended to read:

2 15.07 (3) (b) Except as provided in par. pars. (bm) and (c), each board not
3 covered under par. (a) shall meet annually, and may meet at other times on the call
4 of the chairperson or a majority of its members. ~~The auctioneer board, the cemetery~~
5 ~~board, and the real estate appraisers board shall also meet on the call of the secretary~~
6 ~~of safety and professional services or his or her designee within the department.~~

7 SECTION 2. 15.07 (3) (bm) 3. of the statutes is repealed.

8 SECTION 3. 15.07 (3) (bm) 6. of the statutes is repealed.

9 SECTION 4. 15.07 (3) (c) of the statutes is created to read:

10 15.07 (3) (c) Paragraph (b) does not apply to a board in the department of safety
11 and professional services. A board in the department of safety and professional

sanitary science, public health, transportation, business
ethics and laws and rules relating to diseases,
quarantine, and causes of death

1 services shall meet on the call of the chairperson or a majority of its members. The
2 auctioneer board, the cemetery board, and the real estate appraisers board shall also
3 meet on the call of the secretary of safety and professional services or his or her
4 designee within the department.

***NOTE: This provision applies with respect to any DSPS-housed board that is
not an examining board or affiliated credentialing board.

5 SECTION 5. 15.08 (3) (a) of the statutes is amended to read:

6 15.08 (3) (a) Every examining board shall meet ~~annually and may meet at other~~
7 times on the call of the chairperson or of a majority of its members.

History: 1971 c. 45; 1975 c. 86; 1991 c. 418; 1979 c. 32; 1979 c. 34 s. 52b; 2002 (43) ch. 1979 c. 221; 1981 c. 94; 1983 s. 603; 1985 s. 332; 1987
s. 399; 1989 s. 229, 316, 359; 1991 s. 39, 160, 316; 1993 s. 105, 107, 164, 496; 1995 s. 245; 1997 s. 175; 1999 s. 10; 2001 s. 80, 89, 105; 2009 s. 106, 149; 2011 s. 32, 238.

8 SECTION 6. 15.08 (3) (c) of the statutes is repealed.

9 SECTION 7. 15.085 (3) (a) of the statutes is renumbered 15.085 (3) and amended
10 to read:

11 15.085 (3) FREQUENCY OF MEETINGS. Every affiliated credentialing board shall
12 meet ~~annually and may meet at other times~~ on the call of the chairperson or of a
13 majority of its members.

14 SECTION 8. 15.085 (3) (b) of the statutes is repealed.

15 SECTION 9. 15.085 (5) (b) 1. of the statutes is amended to read:

16 15.085 (5) (b) 1. Submit the proposed rule to the examining board to which the
17 affiliated credentialing board is attached. The proposed rule shall be submitted
18 under this subdivision at least 60 days before the proposed rule is submitted to the
19 legislative council staff under s. 227.15 (1), ~~except that the medical examining board~~
20 ~~may waive that 60-day waiting period.~~

History: 1993 s. 107; 1997 s. 175; 1999 s. 180; 2009 s. 113, 149; 2011 s. 238.

21 SECTION 10. 15.09 (3) of the statutes is renumbered 15.09 (3) (a) and amended
22 to read:

1 15.09 (3) (a) Unless otherwise provided by law and except as provided in par.
 2 (b), every council shall meet at least annually and shall also meet on the call of the
 3 head of the department or independent agency in which it is created, and may meet
 4 at other times on the call of the chairperson or a majority of its members. ~~A--~~

5 (c) Unless otherwise provided by law, a council shall meet at such locations as
 6 may be determined by it unless the constitutional officer or secretary heading the
 7 department or the chief executive officer of the independent agency in which it is
 8 created determines a specific meeting place.

9 SECTION 11. 15.09 (3) (b) of the statutes is created to read:

10 15.09 (3) (b) Paragraph (a) does not apply to a council in the department of
 11 safety and professional services. Unless otherwise provided by law, a council in the
 12 department of safety and professional services shall meet on the call of the secretary
 13 of safety and professional services or on the call of the chairperson or a majority of
 14 its members.

15 SECTION 12. 15.405 (2) (a) of the statutes is amended to read:

16 15.405 (2) (a) In operation, the examining board shall be divided into an
 17 architect section, a landscape architect section, a professional engineer section, a
 18 designer section, and a professional land surveyor section. Each section shall consist
 19 of the 3 members of the named profession appointed to the examining board and 2
 20 public members appointed to the section. ~~The examining board shall elect its own~~
 21 ~~officers and shall meet at least twice annually. —~~

NOTE: NOTE: Par. (a) is shown as affected by 2013 Wis. Acts 124 and 358 and as merged by the legislative reference bureau under s. 13.92 (2) (f). NOTE:

History: 1973 c. 50, 156; 1975 c. 39, 86, 199; 2003, 383, 422; 1977 c. 26, 29, 203; 1977 c. 418; 1979 c. 34 ss. 45, 47 to 52; 1979 c. 221, 304; 1981 c. 94 ss. 5, 9; 1981 c. 356; 1983 s. 27, 403, 485, 528; 1985 s. 240; 1987 s. 227 s. 2; 1987 s. 254, 255, 316; 1989 s. 316, 340; 1991 s. 29, 78, 180, 182, 289; 1993 s. 16, 102, 463, 465, 491; 1995 s. 27 s. 9126 (19); 1995 s. 225; 1995 s. 305 s. 1; 1995 s. 321, 417; 1997 s. 96, 226, 300; 2001 s. 16, 80; 2003 s. 111, 270; 2005 s. 72, 316; 2007 s. 20 s. 9121 (2) (b); 2009 s. 106; 2009 s. 149 s. 3; 2011 s. 32 ss. 110, 130 to 153; 2011 s. 190; 2013 s. 124, 358; 2015 s. 55; s. 13.92 (2) (f).

***NOTE: This treatment strikes the last sentence in its entirety to eliminate the mandatory meeting requirement and because selection of officers for examining boards is already covered under s. 15.08 (2), stats.

1 SECTION 13. 15.405 (2m) (b) of the statutes is amended to read:

2 15.405 (2m) (b) In operation, the examining board shall be divided into a
3 professional geologist section, a professional hydrologist section and a professional
4 soil scientist section. Each section shall consist of the 3 members of the named
5 profession appointed to the examining board and one public member appointed to the
6 section. ~~The examining board shall elect its own officers, and shall meet at least~~
7 ~~twice annually.~~

History: 1973 c. 90, 156; 1975 c. 39, 88, 199, 200, 383, 422; 1977 c. 26, 29, 203; 1977 c. 418; 1979 c. 34 ss. 45, 47 to 52; 1979 c. 221, 304; 1981 c. 94 ss. 5, 9; 1981 c. 356; 1983 a. 27, 403, 465, 538; 1983 s. 340; 1987 s. 257 s. 2; 1987 s. 264, 265, 316; 1989 s. 216, 340; 1991 s. 39, 78, 160, 180, 269; 1993 s. 16, 102, 463, 465, 491; 1995 s. 27 s. 9126 (19); 1995 s. 225; 1995 s. 205 s. 1; 1995 s. 321, 417; 1997 s. 96, 252, 300; 2001 s. 16, 80; 2003 s. 111, 270; 2005 s. 25, 314; 2007 s. 20 s. 9121 (6) (a); 2009 s. 106; 2009 s. 149 s. 3; 2011 s. 32 s. 110, 130 to 133; 2011 s. 190; 2013 s. 124, 358; 2015 s. 55 s. 13.92 (2) (f).

***NOTE: This treatment strikes the last sentence in its entirety to eliminate the mandatory meeting requirement and because selection of officers for examining boards is already covered under s. 15.08 (2), stats.

8 SECTION 14. 15.405 (10r) (b) of the statutes is amended to read:

9 15.405 (10r) (b) ~~Of the All appraiser members of the board, one shall be~~
10 ~~certified under s. 458.06 as a general appraiser, one shall be certified under s. 458.06~~
11 ~~as a residential appraiser and one shall be or licensed under s. 458.08 as an~~
12 ~~appraiser.~~ No public member of the board may be connected with or have any
13 financial interest in an appraisal business or in any other real estate-related
14 business. Section 15.08 (1m) (am) applies to the public members of the board. No
15 member of the board may serve more than 2 consecutive terms.

History: 1973 c. 90, 156; 1975 c. 39, 88, 199, 200, 383, 422; 1977 c. 26, 29, 203; 1977 c. 418; 1979 c. 34 ss. 45, 47 to 52; 1979 c. 221, 304; 1981 c. 94 ss. 5, 9; 1981 c. 356; 1983 a. 27, 403, 465, 538; 1983 s. 340; 1987 s. 257 s. 2; 1987 s. 264, 265, 316; 1989 s. 216, 340; 1991 s. 39, 78, 160, 180, 269; 1993 s. 16, 102, 463, 465, 491; 1995 s. 27 s. 9126 (19); 1995 s. 225; 1995 s. 205 s. 1; 1995 s. 321, 417; 1997 s. 96, 252, 300; 2001 s. 16, 80; 2003 s. 111, 270; 2005 s. 25, 314; 2007 s. 20 s. 9121 (6) (a); 2009 s. 106; 2009 s. 149 s. 3; 2011 s. 32 s. 110, 130 to 133; 2011 s. 190; 2013 s. 124, 358; 2015 s. 55 s. 13.92 (2) (f).

16 SECTION 15. 15.405 (10r) (c) of the statutes is repealed.

17 SECTION 16. 15.406 (6) (a) 2. of the statutes is amended to read:

18 15.406 (6) (a) 2. One public member who satisfies the requirements under s.
19 460.03 (2m) (b).

History: 1993 s. 107, 443; 1997 s. 75, 175; 1999 s. 9, 180; 2001 s. 70; 2009 s. 113, 149; 2009 s. 355 s. 3m; 2011 s. 32.

20 SECTION 17. 15.407 (10) (b) of the statutes is amended to read:

1 15.407 (10) (b) An employee of the department designated by the secretary of
2 safety and professional services shall serve as secretary, but shall not be a member,
3 of the council. ~~The council shall meet at least twice a year.~~ Seven members of the
4 council shall constitute a quorum. For the purpose of conducting business a majority
5 vote of the council is required.

History: 1973 c. 149; 1975 c. 39, 85, 199, 323, 422; 1977 c. 418; 1979 c. 34 ss. 46, 53; 1981 c. 390 a. 232; 1985 a. 332 a. 251 (1); 1987 a. 399; 1989 a. 229, 316, 341, 359;
1991 a. 316; 1993 a. 105, 107; 1997 a. 68, 175; 1997 a. 237 a. 727m; 1999 a. 52, 180, 186; 2001 a. 74, 89; 2003 a. 31; 2009 a. 355, 356, 360; 2011 a. 32 ss. 112 to 114, 116, 118
to 120, 159 to 166; 2011 a. 146, 160; 2013 a. 270; 2015 a. 29, 55.

6 **SECTION 18.** 15.407 (12) (c) of the statutes is repealed. Q.

7 **SECTION 19.** 15.407 (13) (b) of the statutes is amended to read:

8 15.407 (13) (b) ~~The council shall meet at least twice a year.~~ An employee of the
9 department designated by the secretary of the department shall serve as nonvoting
10 secretary of the council.

History: 1973 c. 149; 1975 c. 39, 85, 199, 323, 422; 1977 c. 418; 1979 c. 34 ss. 46, 53; 1981 c. 390 a. 232; 1985 a. 332 a. 251 (1); 1987 a. 399; 1989 a. 229, 316, 341, 359;
1991 a. 316; 1993 a. 105, 107; 1997 a. 68, 175; 1997 a. 237 a. 727m; 1999 a. 52, 180, 186; 2001 a. 74, 89; 2003 a. 31; 2009 a. 355, 356, 360; 2011 a. 32 ss. 112 to 114, 116, 118
to 120, 159 to 166; 2011 a. 146, 160; 2013 a. 270; 2015 a. 29, 55.

11 **SECTION 20.** 15.407 (14) (b) of the statutes is amended to read:

12 15.407 (14) (b) ~~The council shall meet at least twice a year.~~ The employee of
13 the department of safety and professional services designated by the secretary of
14 safety and professional services under par. (a) 10. shall serve as nonvoting secretary
15 of the council.

History: 1973 c. 149; 1975 c. 39, 85, 199, 323, 422; 1977 c. 418; 1979 c. 34 ss. 46, 53; 1981 c. 390 a. 232; 1985 a. 332 a. 251 (1); 1987 a. 399; 1989 a. 229, 316, 341, 359;
1991 a. 316; 1993 a. 105, 107; 1997 a. 68, 175; 1997 a. 237 a. 727m; 1999 a. 52, 180, 186; 2001 a. 74, 89; 2003 a. 31; 2009 a. 355, 356, 360; 2011 a. 32 ss. 112 to 114, 116, 118
to 120, 159 to 166; 2011 a. 146, 160; 2013 a. 270; 2015 a. 29, 55.

16 **SECTION 21.** 15.407 (18) (c) of the statutes is repealed.

17 **SECTION 22.** 440.08 (2) (a) 59. of the statutes is amended to read:

18 440.08 (2) (a) 59. Physician assistant: March 1 of each odd-numbered
19 even-numbered year.

***NOTE: Do you want to include a delayed effective date for this provision to avoid
the potential for an effective date just before March 1, 2016?

20 **SECTION 23.** 440.205 of the statutes is amended to read:

Insert 6-10

1 **440.205 Administrative warnings.** If the department or a board, examining
2 board, or affiliated credentialing board in the department determines during an
3 investigation that there is evidence of misconduct by a credential holder, the
4 department, board, examining board, or affiliated credentialing board may close the
5 investigation by issuing an administrative warning to the credential holder. The
6 department or a board, examining board, or affiliated credentialing board may issue
7 an administrative warning under this section only if the department or board,
8 examining board, or affiliated credentialing board determines that no further action
9 is warranted because the complaint involves ~~a first occurrence~~ of a minor violation
10 and the issuance of an administrative warning adequately protects the public by
11 putting the credential holder on notice that any subsequent violation may result in
12 disciplinary action. If an administrative warning is issued, the credential holder
13 may obtain a review of the administrative warning through a personal appearance
14 before the department, board, examining board, or affiliated credentialing board
15 that issued the administrative warning. Administrative warnings do not constitute
16 an adjudication of guilt or the imposition of discipline and may not be used as
17 evidence that the credential holder is guilty of the alleged misconduct. However, if
18 a subsequent allegation of misconduct by the credential holder is received by the
19 department or a board, examining board, or affiliated credentialing board in the
20 department, the matter relating to the issuance of the administrative warning may
21 be reopened and disciplinary proceedings may be commenced on the matter, or the
22 administrative warning may be used in any subsequent disciplinary proceeding as
23 evidence that the credential holder had actual knowledge that the misconduct that
24 was the basis for the administrative warning was contrary to law. The record that
25 an administrative warning was issued shall be a public record. The contents of the

1 administrative warning shall be private and confidential. The department shall
2 promulgate rules establishing uniform procedures for the issuance and use of
3 administrative warnings.

4 History: 1997 s. 139.

SECTION 24. 440.92 (9) (b) 3. of the statutes is amended to read:

5 440.92 (9) (b) 3. A ~~notarized~~ statement of a person who is legally authorized to
6 act on behalf of the religious society under this subsection that, during the 12-month
7 period immediately preceding the date on which the certification is filed with the
8 department, each employee specified under subd. 2. and the cemetery authority have
9 either fully complied or have substantially complied with subs. (2), (3) (a) and (b) and
10 (5).

11 History: 1989 s. 307; 1991 s. 16, 32, 39, 269; 1993 s. 16; 1995 s. 27 ss. 6605, 9116 (3); 1995 s. 295; 1997 s. 79, 191; 1999 s. 9; 2005 s. 25, 213, 254; 2007 s. 20, 174; 2011 s. 32.

SECTION 25. 445.04 (3) (a) of the statutes is amended to read:

12 445.04 (3) (a) Written examinations for a funeral director's license under pars.
13 (b) and (c) shall be held at least once a year and shall be conducted by the examining
14 board at a time and place to be designated by the examining board.

15 History: 1971 c. 301; 1975 c. 39 ss. 653, 732 (2); 1975 c. 199; 1977 c. 29, 418; 1979 c. 175 s. 29; 1979 c. 221 s. 661; Stats. 1979 s. 445.04; 1981 c. 162, 380; 1983 s. 485; 1991 s. 39; 1995 s. 27 s. 9126 (19); 2005 s. 266; 2007 s. 20 ss. 3314, 9121 (6) (a); 2009 s. 42.

SECTION 26. 445.04 (3) (b) (intro.) of the statutes is amended to read:

16 445.04 (3) (b) (intro.) The comprehensive examination shall include the
17 subjects of:

18 History: 1971 c. 301; 1975 c. 39 ss. 653, 732 (2); 1975 c. 199; 1977 c. 29, 418; 1979 c. 175 s. 29; 1979 c. 221 s. 661; Stats. 1979 s. 445.04; 1981 c. 162, 380; 1983 s. 485; 1991 s. 39; 1995 s. 27 s. 9126 (19); 2005 s. 266; 2007 s. 20 ss. 3314, 9121 (6) (a); 2009 s. 42.

SECTION 27. 445.04 (3) (c) of the statutes is created to read:

19 445.04 (3) (c) The jurisprudence examination shall test the applicant's
20 knowledge of state law relating to funeral directing.

21 SECTION 28. 445.045 (1) (g) of the statutes is amended to read:

1 445.045 (1) (g) The person must have successfully passed a comprehensive
 2 examination conducted by the examining board as required by under s. 445.04 (3) (b)
 3 and a jurisprudence examination under s. 445.04 (3) (c).

History: 1971 c. 213 s. 5; 1971 c. 228 s. 44; 1971 c. 301, 307; 1975 c. 39 ss. 654, 654a, 732 (2); 1975 c. 199; 1979 c. 175 ss. 29, 53; 1979 c. 221 ss. 662, 2202 (45); Stats. 1979 s. 445.045; 1981 c. 380; 1981 c. 391 s. 211; 1983 s. 485; 1991 s. 316; 1999 s. 83; 2013 s. 114.

4 SECTION 29. 445.08 (1) of the statutes is renumbered 445.08 and amended to

5 read: Reciprocity in issuance of licenses. (B)
 6 445.08 Any person holding a valid license as a funeral director or embalmer
 7 in another state having requirements substantially equal to those in this state for
 8 a funeral director's license may apply for a license to practice in this state by filing
 9 with the examining board a certified statement from an authorized official of the that
 10 state in which the applicant holds a license, showing the qualifications upon which
 11 said license was granted, that verifies the person's licensure in that state. An
 12 applicant for licensure under this section shall pass the jurisprudence examination
 13 under s. 445.04 (3) (c) and shall satisfy the requirement under s. 445.045 (1) (b).
 14 Thereupon the examining board may, upon the payment of the required fee, issue a
 15 funeral director's license.

History: 1971 c. 213 s. 5; 1971 c. 301; 1975 c. 39 ss. 656, 657, 732 (2); 1975 c. 199; 1977 c. 29; 1979 c. 175 s. 29; 1979 c. 221 s. 662; Stats. 1979 s. 445.08; 1981 c. 380; 1981 c. 391 s. 211; 1983 s. 485; 1997 s. 27; 2001 s. 107; 2003 s. 321 s. 116.

16 SECTION 30. 445.08 (4) of the statutes is repealed.

17 SECTION 31. 446.02 (7) (d) 1. of the statutes is amended to read:

18 446.02 (7) (d) 1. Beginning on July 1, 2010, a chiropractor may delegate X-ray
 19 services only to a chiropractic radiological technologist technician.

History: 1975 c. 39, 199, 383; 1977 c. 29, 418; 1979 c. 98, 162, 337; 1981 c. 380; 1991 s. 39; 1993 s. 31; 1995 s. 94, 166; 2001 s. 70; 2005 s. 25; 2007 s. 20, 104; 2009 s. 28; 2011 s. 32, 209; 2013 s. 20, 343.

20 SECTION 32. 446.02 (7) (d) 2. of the statutes is amended to read:

21 446.02 (7) (d) 2. Beginning on July 1, 2010, a chiropractor may delegate
 22 adjunctive services only to a chiropractic technologist technician.

History: 1975 c. 39, 199, 383; 1977 c. 29, 418; 1979 c. 98, 162, 337; 1981 c. 380; 1991 s. 39; 1993 s. 31; 1995 s. 94, 166; 2001 s. 70; 2005 s. 25; 2007 s. 20, 104; 2009 s. 28; 2011 s. 32, 209; 2013 s. 20, 343.

1 SECTION 33. 448.02 (8) (a) of the statutes is amended to read:

2 448.02 (8) (a) After an investigation by the board under sub. (3) (a) or by the
3 department under s. 440.03 (3m) or (5), the board may issue a private and
4 confidential administrative warning to a holder of a license, certificate, or limited
5 permit if the board determines that there is evidence of misconduct by him or her.
6 The board may issue an administrative warning under this paragraph only if the
7 board determines that no further action is warranted because the matter involves
8 ~~a first occurrence of minor misconduct~~ and the issuance of an administrative
9 warning adequately protects the public by putting the holder of the license,
10 certificate, or limited permit on notice that any subsequent misconduct may result
11 in disciplinary action. The board shall review the determination if the holder of the
12 license, certificate, or limited permit makes a personal appearance before the board.
13 Following the review, the board may affirm, rescind or modify the administrative
14 warning. A holder of a license, certificate, or limited permit may seek judicial review
15 under ch. 227 of an affirmation or modification of an administrative warning by the
16 board.

NOTE: NOTE: Par. (a) is amended eff. 4-1-17 by 2013 Wis. Act 240 to read:NOTE:

17 (a) After an investigation by the board under sub. (3) (a) or by the department under s. 440.03 (3m) or (5), the board may issue a private and confidential
18 administrative warning to a holder of a license or certificate if the board determines that there is evidence of misconduct by him or her. The board may issue an
19 administrative warning under this paragraph only if the board determines that no further action is warranted because the matter involves a first occurrence of minor
20 misconduct and the issuance of an administrative warning adequately protects the public by putting the holder of the license or certificate on notice that any subsequent
21 misconduct may result in disciplinary action. The board shall review the determination if the holder of the license or certificate makes a personal appearance before
22 the board. Following the review, the board may affirm, rescind or modify the administrative warning. A holder of a license or certificate may seek judicial review under
23 ch. 227 of an affirmation or modification of an administrative warning by the board.

History: 1975 c. 383, 411; 1977 c. 418; 1981 c. 135, 375, 391; 1983 s. 108 s. 10; 1983 s. 189 s. 329 (5); 1983 s. 253, 538; 1985 s. 29; 1985 s. 146 s. 8; 1985 s. 315, 332,
340; 1987 s. 27, 399, 403; 1989 s. 229; 1991 s. 186; 1993 s. 105, 107; 1995 s. 309; 1997 s. 67, 175, 191, 211; 1999 s. 32, 100; 2001 s. 89; 2009 s. 382; 2011 s. 160; 2013 s.
240.

24 SECTION 34. 448.02 (8) (a) of the statutes, as affected by 2015 Wisconsin Act

25 240, is repealed and recreated to read:

26 448.02 (8) (a)

27 448.02 (8) (a) After an investigation by the board under sub. (3) (a) or by the
28 department under s. 440.03 (3m) or (5), the board may issue a private and

1 confidential administrative warning to a holder of a license or certificate if the board
2 determines that there is evidence of misconduct by him or her. The board may issue
3 an administrative warning under this paragraph only if the board determines that
4 no further action is warranted because the matter involves minor misconduct and
5 the issuance of an administrative warning adequately protects the public by putting
6 the holder of the license or certificate on notice that any subsequent misconduct may
7 result in disciplinary action. The board shall review the determination if the holder
8 of the license or certificate makes a personal appearance before the board. Following
9 the review, the board may affirm, rescind or modify the administrative warning. A
10 holder of a license or certificate may seek judicial review under ch. 227 of an
11 affirmation or modification of an administrative warning by the board.

12 SECTION 35. 448.07 (1) (a) of the statutes is amended to read:

13 448.07 (1) (a) Every person licensed or certified under this subchapter shall
14 register ~~on or before November 1 of each odd-numbered year~~ following issuance of
15 the license or certificate with the board at such time and in such manner as the board
16 shall designate and upon forms the board shall provide. ~~The secretary of the board,~~
17 ~~on or before October 1 of each odd-numbered year, shall mail or cause to be mailed~~
18 ~~to every person required to register a registration form.~~ The board shall furnish to
19 each person registered under this section a certificate of registration, and the person
20 shall display the registration certificate conspicuously in the office at all times. No
21 person may exercise the rights or privileges conferred by any license or certificate
22 granted by the board unless currently registered as required under this subsection.

23 SECTION 36. 448.13 (1) (a) (intro.) of the statutes is amended to read:

24 448.13 (1) (a) (intro.) Except as provided in par. (b), each physician shall, ~~is no~~
25 ~~later than November 1 of each 3rd odd-numbered year at the time of application for~~

1 ~~a certificate of registration under s. 448.07~~, submit proof of attendance at and
2 completion of all of the following:

3 History: 1977 c. 131, 418; 1987 a. 399; 1995 a. 245; 1997 a. 175, 311; 1999 a. 180; 2001 a. 89; 2009 a. 382; 2011 a. 160.

3 **SECTION 37.** 448.13 (2) of the statutes is amended to read:

4 448.13 (2) Each person licensed as a perfusionist shall, in no later than
5 November 1 of each 2nd odd numbered year at the time of application for a certificate
6 ~~of registration under s. 448.07~~, submit proof of completion of continuing education
7 requirements promulgated by rule by the board.

8 History: 1977 c. 131, 418; 1987 a. 399; 1995 a. 245; 1997 a. 175, 311; 1999 a. 180; 2001 a. 89; 2009 a. 382; 2011 a. 160.

8 **SECTION 38.** 448.13 (3) of the statutes is amended to read:

9 448.13 (3) Each person licensed as an anesthesiologist assistant shall, in no
10 later than November 1 of each 2nd odd numbered year at the time of application for
11 ~~a certificate of registration under s. 448.07~~, submit proof of meeting the criteria for
12 recertification by the National Commission on Certification of Anesthesiologist
13 Assistants or by a successor entity, including any continuing education
14 requirements.

15 History: 1977 c. 131, 418; 1987 a. 399; 1995 a. 245; 1997 a. 175, 311; 1999 a. 180; 2001 a. 89; 2009 a. 382; 2011 a. 160.

15 ****NOTE: I included the above treatment of s. 448.13 (1) (a) (intro.), (2), and (3) in
light of the changes to s. 448.07 (1)(a) in the draft.

15 **SECTION 39.** 457.09 (3) (b) of the statutes is amended to read:

16 457.09 (3) (b) A social worker training certificate shall expire on the date on
17 which the certificate holder receives the results of ~~passes~~ the examination ~~that he or~~
18 ~~she has taken~~ under sub. (5) (a) if that date occurs before the end of the period
19 specified in par. (a).

20 History: 1995 a. 27; 2001 a. 80.

20 **SECTION 40.** 457.16 (3) of the statutes is repealed.

21 **SECTION 41.** 470.05 of the statutes is amended to read:

1 **470.05 Examination.** ~~Beginning no later than January 1, 2000, the~~
2 ~~appropriate section of the examining board shall conduct or arrange for~~
3 ~~examinations for licensure as a professional geologist, hydrologist or soil scientist at~~
4 ~~least semiannually and at times and places determined by the section.~~
5 Examinations under this section shall require an applicant to demonstrate
6 minimum competency in the principles and practice of subjects substantially related
7 to the practice of professional geology, hydrology, or soil science and may consist of
8 one or more written or oral tests, or both.

9 History: 1977 s. 303.
10 **SECTION 42. Initial applicability.**

11 (1) The treatment of sections 445.04 (3) (a), (b) (intro.) and (c), 445.045 (1) (g),
12 and 445.08 of the statutes first applies to an application for a funeral director's
13 license received by the funeral directors examining board on the effective date of this
14 subsection.

15 **SECTION 43. Effective dates.** This act takes effect on the day after publication,
16 except as follows:

17 (1) The repeal and recreation of section 448.02 (b) (a) of the statutes takes effect
18 on April 1, 2017.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2980/P1dn
MPG: *lem*

1

— Date —

2 Jeff Grothman:

3 Please review this draft carefully to ensure that it is consistent with your intent.

4 The instructions contained a list of statutory references with respect to the elimination
5 of mandatory meetings, but I also modified some provisions not on that list based on
6 my understanding of the request—to eliminate all mandatory annual meeting
7 requirements with the exception of the Medical Examining Board. If instead you
8 meant *only* to affect the requirements contained in the statutes in the list, let me know
9 and I can delete the changes to statutes not on the list.

10
11
12
13

Michael Gallagher
Legislative Attorney
(608) 267-7511
michael.gallagher@legis.wisconsin.gov

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2980/Pins
MPG...

1

INSERT 6-16

2

SECTION 1. 440.03 (7m) of the statutes is amended to read:

3

440.03 (7m) The department may promulgate rules that establish procedures

4

for submitting an application for a credential or credential renewal by electronic

5

transmission. Any rules promulgated under this subsection shall specify procedures

6

for complying with any requirement that a fee be submitted with the application.

7

The rules may also waive any requirement in chs. 440 to 480 that an application

8

submitted to the department, an examining board, or an affiliated credentialing

9

board be executed, verified, signed, sworn, or made under oath, notwithstanding ss.

10

440.26 (2) (b), 440.91 (2) (intro.), 443.06 (1) (a), 443.10 (2) (a), 445.04 (2), 445.08 (4),

11

445.095 (1) (a), 448.05 (7), 450.09 (1) (a), 452.10 (1) and 480.08 (2m).

History: 1977 c. 418 s. 24, 792; 1979 c. 34, 221, 337; 1981 c. 94; 1985 s. 29, 340; 1989 s. 31, 340; 1991 s. 39; 1993 s. 16, 107, 107, 443, 445, 490, 491; 1995 s. 27 m. 6472g, 6473g, 3126 (19); 1995 s. 233; 1997 s. 27, 35, 79; 1997 s. 191 s. 312, 313, 318; 1997 s. 231, 237; 1997 s. 361 s. 1 to 4, 7, 10, 13; 1997 s. 311; 1999 s. 9, 32; 2001 s. 16, 66, 80; 2003 s. 13; 2003 s. 25; 2007 s. 20 s. 3449; 2002, 912 (1) (a); 2007 s. 153, 189, 2009 s. 26, 130, 276, 282, 335; 2011 s. 32, 146, 160, 190; 2015 s. 20, 36, 124, 244, 288, 358; 2015 s. 55; s. 35.17 correction in sub. (4) (a) 1. b.

END INSERT 6-16

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2980/P1dn
MPG:klm

September 3, 2015

Jeff Grothman:

Please review this draft carefully to ensure that it is consistent with your intent.

The instructions contained a list of statutory references with respect to the elimination of mandatory meetings, but I also modified some provisions not on that list based on my understanding of the request—to eliminate all mandatory annual meeting requirements with the exception of the Medical Examining Board. If instead you meant *only* to affect the requirements contained in the statutes in the list, let me know and I can delete the changes to statutes not on the list.

Michael Gallagher
Legislative Attorney
(608) 267-7511
michael.gallagher@legis.wisconsin.gov

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statute, Rule and Regulation	Proposed Change and Rationale
Assessment of costs	<p>440.22 Assessment of costs.</p> <p>(1) In this section, "costs of the proceeding" means the compensation and reasonable expenses of hearing examiners and of prosecuting attorneys for the department, examining board or affiliated credentialing board, a reasonable disbursement for the service of process or other papers, amounts actually paid out for certified copies of records in any public office, postage, telephoning, adverse examinations and depositions and copies, expert witness fees and expenses, compensation and reasonable expenses of experts and investigators, and compensation and expenses of a reporter for recording and transcribing testimony.</p>	<p>Change: Amending the definition of costs in 440.22(1).</p> <p>Rationale: The addition of paralegals to this statute would allow the Department to assess the actual "costs of the proceedings" against the respondents who are disciplined by the respective licensing board or department.</p> <p>The Department's paralegals perform important and necessary functions in most, if not all, disciplinary proceedings. These costs should be assessed against the respondents.</p> <p>Further, adding paralegal compensation and expenses to the "costs of the proceeding" definition is consistent with the Department's current practice of assessing the costs of the proceeding against the licensee being disciplined. The Department does not believe that the legislature intended to preclude the recoupment of the paralegal costs associated with the disciplinary proceeding.</p> <p>Revise 440.22(1) to read:</p> <p>(1) In this section, "costs of the proceeding" means the compensation and reasonable expenses of hearing examiners and of prosecuting attorneys for the department, examining board or affiliated credentialing board, a reasonable disbursement for the service of process or other papers, amounts actually paid out for certified copies of records in any public office, postage, telephoning, adverse examinations and depositions and copies, expert witness fees, witness fees and expenses, compensation and reasonable expenses of experts, paralegals and investigators, and compensation and expenses of a reporter for recording and transcribing testimony.</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

<p>Assessment of costs</p>	<p>440.22 Assessment of costs.</p> <p>(2) In any disciplinary proceeding against a holder of a credential in which the department or an examining board, affiliated credentialing board or board in the department orders suspension, limitation or revocation of the credential or reprimands the holder, the department, examining board, affiliated credentialing board or board may, in addition to imposing discipline, assess all or part of the costs of the proceeding against the holder. Costs assessed under this subsection are payable to the department; interest shall accrue on costs assessed under this subsection at a rate of 12% per year beginning on the date that payment of the costs are due as ordered by the department, examining board, affiliated credentialing board or board. Upon the request of the department of safety and professional services, the department of justice may commence an action to recover costs assessed under this subsection and any accrued interest.</p>
<p>Assessment of costs</p>	<p>Change: Extending the circumstances for assessing costs in 440.22(2).</p> <p>Rationale: The addition of forfeiture to this statute would grant the Department authority to assess costs in disciplinary proceedings in which forfeitures are ordered by citation.</p> <p>Currently, the Cosmetology Board and the Department (Barbering profession) can issue forfeitures in the form of citations for violations of the statutes and/or rules that regulate the Cosmetology and Barbering professions. After the issuance of a forfeiture in the form of a citation, the respondent then has the right to contest the forfeiture, which is extremely time consuming and costly for the Department, there is no statutory authority for the Department to recoup the costs of the proceeding associated with contesting the forfeiture (administrative hearing).</p> <p>Since the Department is a program revenue agency, whose operating costs are funded by the revenue received from licensees, it is unfair to impose the costs of forfeiture hearings on the vast majority of licensees who have not engaged in misconduct. The addition of forfeitures to the statute will allow the Department to assess costs consistently across different types of disciplinary proceedings.</p> <p>Also, such an addition would be consistent with the current promulgated rules. See Wis. Admin. Code ch. COS 10.</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

	<p>Revise 440.22(2) to read:</p> <p>(2) In any disciplinary proceeding against a holder of a credential in which the department or an examining board, affiliated credentialing board or board in the department orders a forfeiture, suspension, limitation or revocation of the credential or reprimands the holder, the department, examining board, affiliated credentialing board or board may, in addition to imposing discipline, assess all or part of the costs of the proceeding against the holder. Costs assessed under this subsection are payable to the department. Interest shall accrue on costs assessed under this subsection at a rate of 12% per year beginning on the date that payment of the costs are due as ordered by the department, examining board, affiliated credentialing board or board. Upon the request of the department of safety and professional services, the department of justice may commence an action to recover costs assessed under this subsection and any accrued interest.</p>
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Gallagher, Michael

From: Grothman, Jeffrey - DSPS <Jeffrey.Grothman@wisconsin.gov>
Sent: Monday, September 28, 2015 1:19 PM
To: Gallagher, Michael
Subject: FW: Addition to Legislative Clean-up Bill
Attachments: 440.22 Draft Changes Revised.docx

Hi Mike,
Can you please add this to our DSPS chapter 440 draft Thanks

Jeff Grothman
Legislative Liaison/Policy Director
Wisconsin Department of Safety and Professional Services
608-267-9794
Jeffrey.Grothman@wisconsin.gov

Gallagher, Michael

From: Grothman, Jeffrey - DSPS <Jeffrey.Grothman@wisconsin.gov>
Sent: Tuesday, September 22, 2015 12:41 PM
To: Gallagher, Michael
Subject: LRB 2980

Suggested language for Appraiser Board members for clean-up bill:

15.405(10)(b) (b) Of the appraiser members of the board, one shall be certified under s. 458.06 as a general appraiser, and one shall be certified under s. 458.06 as a residential appraiser. ~~The third appraiser member may be certified under s. 458.06 as a general appraiser, certified under s. 458.06 as a residential appraiser, or licensed under s. 458.08 as an appraiser.~~ No public member of the board may be connected with or have any financial interest in an appraisal business or in any other real estate-related business. Section 15.08 (1m) (am) applies to the public members of the board. No member of the board may serve more than 2 consecutive terms.

Jeff Grothman
Legislative Liaison/Policy Director
Wisconsin Department of Safety and Professional Services
608-267-9794
Jeffrey.Grothman@wisconsin.gov

Also, per Jeff Grothman, just make
the social worker training certificate
valid for 24 months.
