



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix A ... segment II

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 a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the digital drafting file.



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2980(P1)
MPG:klm

By: Thols, 10/1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Insert,

Reserve catalog

1 AN ACT *to repeal* 15.07 (3) (bm) 3., 15.07 (3) (bm) 6., 15.08 (3) (c), 15.085 (3) (b),
2 15.405 (10r) (c), 15.407 (18) (c), 445.08 (4) and 457.16 (3); *to renumber and*
3 *amend* 15.085 (3) (a), 15.09 (3) and 445.08 (1); *to amend* 15.07 (3) (b), 15.08
4 (3) (a), 15.085 (5) (b) 1., 15.405 (2) (a), 15.405 (2m) (b), 15.405 (10r) (b), 15.406
5 (6) (a) 2., 15.407 (10) (b), 15.407 (13) (b), 15.407 (14) (b), 440.03 (7m), 440.08 (2)
6 (a) 59., 440.205, 440.92 (9) (b) 3., 445.04 (3) (a), 445.04 (3) (b) (intro.), 445.045
7 (1) (g), 446.02 (7) (d) 1., 446.02 (7) (d) 2., 448.02 (8) (a), 448.07 (1) (a), 448.13 (1)
8 (a) (intro.), 448.13 (2), 448.13 (3), 457.09 (3) (b) and 470.05; *to repeal and*
9 *recreate* 448.02 (8) (a); and *to create* 15.07 (3) (c), 15.09 (3) (b) and 445.04 (3)
10 (c) of the statutes; **relating to:** mandatory meeting requirements for various
11 boards and councils under the Department of Safety and Professional Services,
12 membership of certain boards, discipline of licensed professionals, rules

- 1 procedures for the Medical Examining Board, and examination and other
2 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 (DSPS) and the various boards and councils under DSPS, including the following:

1. Eliminates mandatory annual and semiannual meeting requirements of the examining boards, affiliated credentialing boards, and other boards and councils under DSPS, 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 DSPS and the examining boards, affiliated credentialing boards, and other boards under DSPS 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 DSPS 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 MEB. Under current law, each licensed physician or other credentialed medical professional must register with MEB by November 1 of each odd-numbered year following initial licensure. Under the bill, 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, practical embalming, sanitary science, public health, transportation, business ethics, and the laws and rules of this state relating to diseases, quarantine, and causes of death. 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
12 services shall meet on the call of the chairperson or a majority of its members. The
13 auctioneer board, the cemetery board, and the real estate appraisers board shall also
14 meet on the call of the secretary of safety and professional services or his or her
15 designee within the department.
- 16 **NOTE:** This provision applies with respect to any DSPS-housed board that is
17 not an examining board or affiliated credentialing board.
- 18 **SECTION 5.** 15.08 (3) (a) of the statutes is amended to read:
19 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.
- SECTION 6.** 15.08 (3) (c) of the statutes is repealed.

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

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

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

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

8 15.085 (5) (b) 1. Submit the proposed rule to the examining board to which the
9 affiliated credentialing board is attached. The proposed rule shall be submitted
10 under this subdivision at least 60 days before the proposed rule is submitted to the
11 legislative council staff under s. 227.15 (1), ~~except that the medical examining board~~
12 ~~may waive that 60-day waiting period.~~

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

15 15.09 (3) (a) Unless otherwise provided by law and ~~except as provided in par.~~
16 ~~(b)~~, every council shall meet at least annually and shall also meet on the call of the
17 head of the department or independent agency in which it is created, and may meet
18 at other times on the call of the chairperson or a majority of its members. ~~A~~

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

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

24 15.09 (3) (b) Paragraph (a) does not apply to a council in the department of
25 safety and professional services. Unless otherwise provided by law, a council in the

1 department of safety and professional services shall meet on the call of the secretary
2 of safety and professional services or on the call of the chairperson or a majority of
3 its members.

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

5 15.405 (2) (a) In operation, the examining board shall be divided into an
6 architect section, a landscape architect section, a professional engineer section, a
7 designer section, and a professional land surveyor section. Each section shall consist
8 of the 3 members of the named profession appointed to the examining board and 2
9 public members appointed to the section. ~~The examining board shall elect its own~~
10 ~~officers and shall meet at least twice annually.~~

****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.

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

12 15.405 (2m) (b) In operation, the examining board shall be divided into a
13 professional geologist section, a professional hydrologist section, and a professional
14 soil scientist section. Each section shall consist of the 3 members of the named
15 profession appointed to the examining board and one public member appointed to the
16 section. ~~The examining board shall elect its own officers, and shall meet at least~~
17 ~~twice annually.~~

****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.

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

19 15.405 (10r) (b) ~~Of the All~~ appraiser members of the board, ~~one~~ shall be
20 certified under s. 458.06 as a general appraiser, ~~one~~ shall be certified under s. 458.06
21 as a residential appraiser and ~~one~~ shall be or licensed under s. 458.08 as an

1 appraiser. No public member of the board may be connected with or have any
2 financial interest in an appraisal business or in any other real estate-related
3 business. Section 15.08 (1m) (am) applies to the public members of the board. No
4 member of the board may serve more than 2 consecutive terms.

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

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

7 15.406 (6) (a) 2. One public member who satisfies the requirements under s.
8 460.03 (2m) (b).

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

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

15 SECTION 18. 15.407 (13) (b) of the statutes is amended to read:

16 15.407 (13) (b) ~~The council shall meet at least twice a year.~~ An employee of the
17 department designated by the secretary of the department shall serve as nonvoting
18 secretary of the council.

19 SECTION 19. 15.407 (14) (b) of the statutes is amended to read: .

20 15.407 (14) (b) ~~The council shall meet at least twice a year.~~ The employee of
21 the department of safety and professional services designated by the secretary of
22 safety and professional services under par. (a) 10, shall serve as nonvoting secretary
23 of the council.

24 SECTION 20. 15.407 (18) (c) of the statutes is repealed.

25 SECTION 21. 440.03 (7m) of the statutes is amended to read:

1 440.03 (7m) The department may promulgate rules that establish procedures
2 for submitting an application for a credential or credential renewal by electronic
3 transmission. Any rules promulgated under this subsection shall specify procedures
4 for complying with any requirement that a fee be submitted with the application.
5 The rules may also waive any requirement in chs. 440 to 480 that an application
6 submitted to the department, an examining board, or an affiliated credentialing
7 board be executed, verified, signed, sworn, or made under oath, notwithstanding ss.
8 440.26 (2) (b), 440.91 (2) (intro.), 443.06 (1) (a), 443.10 (2) (a), 445.04 (2), 445.08-44,
9 445.095 (1) (a), 448.05 (7), 450.09 (1) (a), 452.10 (1) and 480.08 (2m).

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

11 440.08 (2) (a) 59. Physician assistant: March 1 of each ~~odd-numbered~~
12 ~~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?

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

14 440.205 Administrative warnings. If the department or a board, examining
15 board, or affiliated credentialing board in the department determines during an
16 investigation that there is evidence of misconduct by a credential holder, the
17 department, board, examining board, or affiliated credentialing board may close the
18 investigation by issuing an administrative warning to the credential holder. The
19 department or a board, examining board, or affiliated credentialing board may issue
20 an administrative warning under this section only if the department or board,
21 examining board, or affiliated credentialing board determines that no further action
22 is warranted because the complaint involves ~~a first occurrence of~~ a minor violation
23 and the issuance of an administrative warning adequately protects the public by

1 putting the credential holder on notice that any subsequent violation may result in
 2 disciplinary action. If an administrative warning is issued, the credential holder
 3 may obtain a review of the administrative warning through a personal appearance
 4 before the department, board, examining board, or affiliated credentialing board
 5 that issued the administrative warning. Administrative warnings do not constitute
 6 an adjudication of guilt or the imposition of discipline and may not be used as
 7 evidence that the credential holder is guilty of the alleged misconduct. However, if
 8 a subsequent allegation of misconduct by the credential holder is received by the
 9 department or a board, examining board, or affiliated credentialing board in the
 10 department, the matter relating to the issuance of the administrative warning may
 11 be reopened and disciplinary proceedings may be commenced on the matter, or the
 12 administrative warning may be used in any subsequent disciplinary proceeding as
 13 evidence that the credential holder had actual knowledge that the misconduct that
 14 was the basis for the administrative warning was contrary to law. The record that
 15 an administrative warning was issued shall be a public record. The contents of the
 16 administrative warning shall be private and confidential. The department shall
 17 promulgate rules establishing uniform procedures for the issuance and use of
 18 administrative warnings.

Insert 8-18

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

20 440.92 (9) (b) 3. A ~~notarized~~ statement of a person who is legally authorized to
 21 act on behalf of the religious society under this subsection that, during the 12-month
 22 period immediately preceding the date on which the certification is filed with the
 23 department, each employee specified under subd. 2. and the cemetery authority have
 24 either fully complied or have substantially complied with subs. (2), (3) (a) and (b), and
 25 (5).

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

2 445.04 (3) (a) Written examinations for a funeral director's license under pars.
3 (b) and (c) shall be held at least once a year and shall be conducted by the examining
4 board at a time and place to be designated by the examining board.

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

6 445.04 (3) (b) (intro.) The comprehensive examination shall include the
7 subjects of:

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

9 445.04 (3) (c) The jurisprudence examination shall test the applicant's
10 knowledge of state law relating to funeral directing.

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

12 445.045 (1) (g) The person must have successfully passed a comprehensive
13 examination ~~conducted by the examining board as required by under s. 445.04 (3) (b)~~
14 and a jurisprudence examination under s. 445.04 (3) (c).

15 **SECTION 29.** 445.08 (1) of the statutes is renumbered 445.08 and amended to
16 read:

17 **445.08 Reciprocity in issuance of licenses.** Any person holding a valid
18 license as a funeral director or embalmer in another state having requirements
19 substantially equal to those in this state for a funeral director's license may apply
20 for a license to practice in this state by filing with the examining board a certified
21 statement from an authorized official of the ~~that~~ state in which the applicant holds
22 a license, showing the qualifications upon which said license was granted, ~~that~~
23 verifies the person's licensure in that state. An applicant for licensure under this
24 section shall pass the jurisprudence examination under s. 445.04 (3) (c) and shall

1 ~~satisfy the requirement under s. 445.045 (1) (b).~~ Thereupon the examining board
2 may, upon the payment of the required fee, issue a funeral director's license.

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

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

5 446.02 (7) (d) 1. Beginning on July 1, 2010, a chiropractor may delegate X-ray
6 services only to a chiropractic radiological ~~technologist~~ technician.

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

8 446.02 (7) (d) 2. Beginning on July 1, 2010, a chiropractor may delegate
9 adjunctive services only to a chiropractic ~~technologist~~ technician.

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

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

1 SECTION 34. 448.02 (8) (a) of the statutes, as affected by 2015³⁰ Wisconsin Act
2 240, is repealed and recreated to read:

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

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

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

1 person may exercise the rights or privileges conferred by any license or certificate
2 granted by the board unless currently registered as required under this subsection.

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

4 448.13 (1) (a) (intro.) Except as provided in par. (b), each physician shall, in no
5 later than November 1 of each 2nd odd-numbered year at the time of application for
6 a certificate of registration under s. 448.07, submit proof of attendance at and
7 completion of all of the following:

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

9 448.13 (2) Each person licensed as a perfusionist shall, in no later than
10 November 1 of each 2nd odd-numbered year at the time of application for a
11 certificate of registration under s. 448.07, submit proof of completion of continuing
12 education requirements promulgated by rule by the board.

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

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

Insert 12-14

****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.

20 SECTION 39. 457.09 (3) (b) of the statutes is amended to read:
21 457.09 (3) (b) A social worker training certificate shall expire on the date on
22 which the certificate holder receives the results of passes the examination that he or

1 ~~she has taken~~ under sub. (5) (a) if ~~that date~~ occurs before the end of the period
2 specified in par. (a).

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

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

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

13 SECTION 42. **Initial applicability.**

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

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

20 (1) The repeal and recreation of section 443.02 (8) (a) of the statutes takes effect
21 on April 1, 2017.

22

(END)

2015-2016 DRAFTING INSERT
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INSERT 8-18

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SECTION 1. 440.22 (1) of the statutes is amended to read:

3

440.22 (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.

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History: 1987 a. 27; 1991 a. 29; 1993 a. 107; 1997 a. 27; 2011 a. 32.

SECTION 2. 440.22 (2) of the statutes is amended to read:

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(2) In any disciplinary proceeding against a holder of a credential in which the department or an examining board, affiliated credentialing board, or other board in the department orders suspension, limitation, or revocation of the credential, assesses a forfeiture, or reprimands the holder, the department, examining board, affiliated credentialing board, or other 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 other board. Upon the request of the department of safety and professional services, the department of

Handwritten note: "or" with arrows pointing to the "or" in the text above.

1 justice may commence an action to recover costs assessed under this subsection and
2 any accrued interest.

History: 1987 s. 27; 1991 s. 39; 1993 s. 107; 1997 s. 27; 2011 s. 32.
END INSERT 8-18

INSERT 12-19

3 SECTION 3. 457.09 (3) (a) of the statutes is ~~renumbered 457.09 (3) and~~ amended
4 to read: (A)

change component

5 457.09 (3) ~~Except as provided in par. (b), a~~ A social worker training certificate
6 is valid for 24 months.

7 History: 1995 s. 27; 2001 s. 80.
SECTION 4. 457.09 (3) (b) of the statutes is repealed.

END INSERT 12-19



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2980/P2
MPG:kim

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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3 **renumber and amend** 15.085 (3) (a), 15.09 (3) and 445.08 (1); **to amend** 15.07
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6 440.08 (2) (a) 59., 440.205, 440.22 (1), 440.22 (2), 440.92 (9) (b) 3., 445.04 (3) (a),
7 445.04 (3) (b) (intro.), 445.045 (1) (g), 446.02 (7) (d) 1., 446.02 (7) (d) 2., 448.02
8 (8) (a), 448.07 (1) (a), 448.13 (1) (a) (intro.), 448.13 (2), 448.13 (3), 457.09 (3) (a)
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1 professionals, rules procedures for the Medical Examining Board, and
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This bill makes a number of changes to the laws governing the Department of Safety and Professional Services (DSPS) and the various boards and councils under DSPS, including the following:

1. Eliminates mandatory annual and semiannual meeting requirements of the examining boards, affiliated credentialing boards, and other boards and councils under DSPS, 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 DSPS and the examining boards, affiliated credentialing boards, and other boards under DSPS 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 DSPS 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 MEB. Under current law, each licensed physician or other credentialed medical professional must register with MEB by November 1 of each odd-numbered year following initial licensure. Under the bill, 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, practical embalming, sanitary science, public health, transportation, business ethics, and the laws and rules of this state relating to diseases, quarantine, and causes of death. 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. (b) 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
12 services shall meet on the call of the chairperson or a majority of its members. The
13 auctioneer board, the cemetery board, and the real estate appraisers board shall also
14 meet on the call of the secretary of safety and professional services or his or her
15 designee within the department.
- 16 **SECTION 5.** 15.08 (3) (a) of the statutes is amended to read:
17 15.08 (3) (a) Every examining board shall meet ~~annually and may meet at other~~
18 ~~times~~ on the call of the chairperson or of a majority of its members.
- 19 **SECTION 6.** 15.08 (3) (c) of the statutes is repealed.
- 20 **SECTION 7.** 15.085 (3) (a) of the statutes is renumbered 15.085 (3) and amended
21 to read:

1 15.085 (3) FREQUENCY OF MEETINGS. Every affiliated credentialing board shall
2 meet ~~annually and may meet at other times~~ on the call of the chairperson or of a
3 majority of its members.

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

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

6 15.085 (5) (b) 1. Submit the proposed rule to the examining board to which the
7 affiliated credentialing board is attached. The proposed rule shall be submitted
8 under this subdivision at least 60 days before the proposed rule is submitted to the
9 legislative council staff under s. 227.15 (1), except that the medical examining board
10 may waive that 60-day waiting period.

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

13 15.09 (3) (a) Unless otherwise provided by law and except as provided in par.
14 (h), every council shall meet at least annually and shall also meet on the call of the
15 head of the department or independent agency in which it is created, and may meet
16 at other times on the call of the chairperson or a majority of its members. ~~A~~

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

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

22 15.09 (3) (b) Paragraph (a) does not apply to a council in the department of
23 safety and professional services. Unless otherwise provided by law, a council in the
24 department of safety and professional services shall meet on the call of the secretary

1 of safety and professional services or on the call of the chairperson or a majority of
2 its members.

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

4 15.405 (2) (a) In operation, the examining board shall be divided into an
5 architect section, a landscape architect section, a professional engineer section, a
6 designer section, and a professional land surveyor section. Each section shall consist
7 of the 3 members of the named profession appointed to the examining board and 2
8 public members appointed to the section. ~~The examining board shall elect its own
9 officers and shall meet at least twice annually.~~

***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.

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

11 15.405 (2m) (b) In operation, the examining board shall be divided into a
12 professional geologist section, a professional hydrologist section, and a professional
13 soil scientist section. Each section shall consist of the 3 members of the named
14 profession appointed to the examining board and one public member appointed to the
15 section. ~~The examining board shall elect its own officers, and shall meet at least
16 twice annually.~~

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

18 15.405 (10r) (b) ~~Of the All~~ appraiser members of the board, ~~one~~ shall be
19 certified under s. 458.06 as a general appraiser, ~~one~~ shall be certified under s. 458.06
20 as a residential appraiser and ~~one~~ shall be or licensed under s. 458.08 as an
21 appraiser. No public member of the board may be connected with or have any
22 financial interest in an appraisal business or in any other real estate-related

1 business. Section 15.08 (1m) (am) applies to the public members of the board. No
2 member of the board may serve more than 2 consecutive terms.

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

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

5 15.406 (6) (a) 2. One public member who satisfies the requirements under s.
6 460.03 (2m) (b).

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

8 15.407 (10) (b) An employee of the department designated by the secretary of
9 safety and professional services shall serve as secretary, but shall not be a member,
10 of the council. ~~The council shall meet at least twice a year.~~ Seven members of the
11 council shall constitute a quorum. For the purpose of conducting business a majority
12 vote of the council is required.

13 SECTION 18. 15.407 (13) (b) of the statutes is amended to read:

14 15.407 (13) (b) ~~The council shall meet at least twice a year.~~ An employee of the
15 department designated by the secretary of the department shall serve as nonvoting
16 secretary of the council.

17 SECTION 19. 15.407 (14) (b) of the statutes is amended to read:

18 15.407 (14) (b) ~~The council shall meet at least twice a year.~~ The employee of
19 the department of safety and professional services designated by the secretary of
20 safety and professional services under par. (a) 10. shall serve as nonvoting secretary
21 of the council.

22 SECTION 20. 15.407 (18) (c) of the statutes is repealed.

23 SECTION 21. 440.03 (7m) of the statutes is amended to read:

24 440.03 (7m) The department may promulgate rules that establish procedures
25 for submitting an application for a credential or credential renewal by electronic

1 transmission. Any rules promulgated under this subsection shall specify procedures
2 for complying with any requirement that a fee be submitted with the application.
3 The rules may also waive any requirement in chs. 440 to 480 that an application
4 submitted to the department, an examining board, or an affiliated credentialing
5 board be executed, verified, signed, sworn, or made under oath, notwithstanding ss.
6 440.26 (2) (b), 440.91 (2) (intro.), 443.06 (1) (a), 443.10 (2) (a), 445.04 (2), 445.08 (4),
7 445.095 (1) (a), 448.05 (7), 450.09 (1) (a), 452.10 (1) and 480.08 (2m).

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

9 440.08 (2) (a) 59. Physician assistant: March 1 of each ~~odd-numbered~~
10 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?

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

12 **440.205 Administrative warnings.** If the department or a board, examining
13 board, or affiliated credentialing board in the department determines during an
14 investigation that there is evidence of misconduct by a credential holder, the
15 department, board, examining board, or affiliated credentialing board may close the
16 investigation by issuing an administrative warning to the credential holder. The
17 department or a board, examining board, or affiliated credentialing board may issue
18 an administrative warning under this section only if the department or board,
19 examining board, or affiliated credentialing board determines that no further action
20 is warranted because the complaint involves ~~a first occurrence~~ of a minor violation
21 and the issuance of an administrative warning adequately protects the public by
22 putting the credential holder on notice that any subsequent violation may result in
23 disciplinary action. If an administrative warning is issued, the credential holder

1 may obtain a review of the administrative warning through a personal appearance
2 before the department, board, examining board, or affiliated credentialing board
3 that issued the administrative warning. Administrative warnings do not constitute
4 an adjudication of guilt or the imposition of discipline and may not be used as
5 evidence that the credential holder is guilty of the alleged misconduct. However, if
6 a subsequent allegation of misconduct by the credential holder is received by the
7 department or a board, examining board, or affiliated credentialing board in the
8 department, the matter relating to the issuance of the administrative warning may
9 be reopened and disciplinary proceedings may be commenced on the matter, or the
10 administrative warning may be used in any subsequent disciplinary proceeding as
11 evidence that the credential holder had actual knowledge that the misconduct that
12 was the basis for the administrative warning was contrary to law. The record that
13 an administrative warning was issued shall be a public record. The contents of the
14 administrative warning shall be private and confidential. The department shall
15 promulgate rules establishing uniform procedures for the issuance and use of
16 administrative warnings.

17 **SECTION 24.** 440.22 (1) of the statutes is amended to read:

18 440.22 (1) In this section, "costs of the proceeding" means the compensation
19 and reasonable expenses of hearing examiners and of prosecuting attorneys for the
20 department, examining board or affiliated credentialing board, or other board, a
21 reasonable disbursement for the service of process or other papers, amounts actually
22 paid out for certified copies of records in any public office, postage, telephoning,
23 adverse examinations and depositions and copies, expert witness fees, witness fees
24 and expenses, compensation and reasonable expenses of experts, paralegals, and

1 investigators, and compensation and expenses of a reporter for recording and
2 transcribing testimony.

3 SECTION 25. 440.22 (2) of the statutes is amended to read:

4 440.22 (2) In any disciplinary proceeding against a holder of a credential in
5 which the department or an examining board, affiliated credentialing board, or other
6 board in the department orders suspension, limitation, or revocation of the
7 credential, assesses a forfeiture, or reprimands the holder, the department,
8 examining board, affiliated credentialing board, or other board may, in addition to
9 imposing discipline, assess all or part of the costs of the proceeding against the
10 holder. Costs assessed under this subsection are payable to the department. Interest
11 shall accrue on costs assessed under this subsection at a rate of 12% per year
12 beginning on the date that payment of the costs are due as ordered by the
13 department, examining board, affiliated credentialing board, or other board. Upon
14 the request of the department of safety and professional services, the department of
15 justice may commence an action to recover costs assessed under this subsection and
16 any accrued interest.

17 SECTION 26. 440.92 (9) (b) 3. of the statutes is amended to read:

18 440.92 (9) (b) 3. A ~~notarized~~ statement of a person who is legally authorized to
19 act on behalf of the religious society under this subsection that, during the 12-month
20 period immediately preceding the date on which the certification is filed with the
21 department, each employee specified under subd. 2. and the cemetery authority have
22 either fully complied or have substantially complied with subs. (2), (3) (a) and (b), and
23 (5).

24 SECTION 27. 445.04 (3) (a) of the statutes is amended to read:

1 445.04 (3) (a) Written examinations for a funeral director's license under pars.
2 (b) and (c) shall be held at least once a year and shall be conducted by the examining
3 board at a time and place to be designated by the examining board.

4 SECTION 28. 445.04 (3) (b) (intro.) of the statutes is amended to read:

5 445.04 (3) (b) (intro.) The comprehensive examination shall include the
6 subjects of:

7 SECTION 29. 445.04 (3) (c) of the statutes is created to read:

8 445.04 (3) (c) The jurisprudence examination shall test the applicant's
9 knowledge of state law relating to funeral directing.

10 SECTION 30. 445.045 (1) (g) of the statutes is amended to read:

11 445.045 (1) (g) The person must have successfully passed a comprehensive
12 examination ~~conducted by the examining board as required by under s. 445.04 (3) (b)~~
13 ~~and a jurisprudence examination under s. 445.04 (3) (c).~~

14 SECTION 31. 445.08 (1) of the statutes is renumbered 445.08 and amended to
15 read:

16 **445.08 Reciprocity in issuance of licenses.** Any person holding a valid
17 license as a funeral director or embalmer in another state having requirements
18 substantially equal to those in this state for a funeral director's license may apply
19 for a license to practice in this state by filing with the examining board a certified
20 statement from an authorized official of the ~~that state in which the applicant holds~~
21 ~~a license, showing the qualifications upon which said license was granted, that~~
22 ~~verifies the person's licensure in that state. An applicant for licensure under this~~
23 ~~section shall pass the jurisprudence examination under s. 445.04 (3) (c) and shall~~
24 ~~satisfy the requirement under s. 445.045 (1) (b).~~ Thereupon the examining board
25 may, upon the payment of the required fee, issue a funeral director's license.

1 **SECTION 32.** 445.08 (4) of the statutes is repealed.

2 **SECTION 33.** 446.02 (7) (d) 1. of the statutes is amended to read:

3 446.02 (7) (d) 1. Beginning on July 1, 2010, a chiropractor may delegate X-ray
4 services only to a chiropractic radiological ~~technologist~~ technician.

5 **SECTION 34.** 446.02 (7) (d) 2. of the statutes is amended to read:

6 446.02 (7) (d) 2. Beginning on July 1, 2010, a chiropractor may delegate
7 adjunctive services only to a chiropractic ~~technologist~~ technician.

8 **SECTION 35.** 448.02 (8) (a) of the statutes is amended to read:

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

24 **SECTION 36.** 448.02 (8) (a) of the statutes, as affected by 2013 Wisconsin Act
25 240, is repealed and recreated to read:

1 448.02 (8) (a) After an investigation by the board under sub. (3) (a) or by the
2 department under s. 440.03 (3m) or (5), the board may issue a private and
3 confidential administrative warning to a holder of a license or certificate if the board
4 determines that there is evidence of misconduct by him or her. The board may issue
5 an administrative warning under this paragraph only if the board determines that
6 no further action is warranted because the matter involves minor misconduct and
7 the issuance of an administrative warning adequately protects the public by putting
8 the holder of the license or certificate on notice that any subsequent misconduct may
9 result in disciplinary action. The board shall review the determination if the holder
10 of the license or certificate makes a personal appearance before the board. Following
11 the review, the board may affirm, rescind, or modify the administrative warning. A
12 holder of a license or certificate may seek judicial review under ch. 227 of an
13 affirmation or modification of an administrative warning by the board.

14 **SECTION 37.** 448.07 (1) (a) of the statutes is amended to read:

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

25 **SECTION 38.** 448.13 (1) (a) (intro.) of the statutes is amended to read:

1 448.13 (1) (a) (intro.) Except as provided in par. (b), each physician shall, ~~in no~~
2 ~~later than November 1 of each 2nd odd-numbered year at the time of application for~~
3 ~~a certificate of registration under s. 448.07~~, submit proof of attendance at and
4 completion of all of the following:

5 **SECTION 39.** 448.13 (2) of the statutes is amended to read:

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

10 **SECTION 40.** 448.13 (3) of the statutes is amended to read:

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

17 **SECTION 41.** 457.09 (3) (a) of the statutes is amended to read:

18 457.09 (3) (a) ~~Except as provided in par. (b), a~~ A social worker training
19 certificate is valid for 24 months.

20 **SECTION 42.** 457.09 (3) (b) of the statutes is repealed.

21 **SECTION 43.** 457.16 (3) of the statutes is repealed.

22 **SECTION 44.** 470.05 of the statutes is amended to read:

23 **470.05 Examination.** ~~Beginning no later than January 1, 2000, the~~
24 ~~appropriate section of the examining board shall conduct or arrange for~~
25 ~~examinations for licensure as a professional geologist, hydrologist or soil scientist at~~

1 ~~least semiannually and at times and places determined by the section.~~
2 Examinations under this section shall require an applicant to demonstrate
3 minimum competency in the principles and practice of subjects substantially related
4 to the practice of professional geology, hydrology, or soil science and may consist of
5 one or more written or oral tests, or both.

6 **SECTION 45. Initial applicability.**

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

11 **SECTION 46. Effective dates.** This act takes effect on the day after publication,
12 except as follows:

13 (1) The repeal and recreation of section 448.02 (8) (a) of the statutes takes effect
14 on April 1, 2017.

15 (END)