

2019 DRAFTING REQUEST**Senate Amendment (SA-SB390)**

For: **Howard Marklein (608) 266-0703** Drafter: **mduchek**
 By: **Vince** Secondary Drafters:
 Date: **9/26/2019** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Sen.Marklein@legis.wi.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

PT compact - background checks

Instructions:

No specific instructions given

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 9/26/2019				
/P1	mduchek 9/30/2019	csicilia 9/30/2019	lparisi 9/27/2019		
/1			lparisi 9/30/2019	lparisi 9/30/2019	

FE Sent For:

<END>

Duchek, Michael

From: Williams, Vincent
Sent: Wednesday, September 25, 2019 4:08 PM
To: Duchek, Michael
Subject: Amendment to SB 390
Attachments: FBI CBC Guidance Document for New Compact Legislation with examples.pdf

Mike,

I will call to discuss the attachment.

I believe similar language was required in 2017 SB 417 the enhanced Nurse Licensure Compact (eNLC) from last session.

We are open to suggestions on how best to address this.

Regards,

Vince Williams
Legislative Aide & Committee Clerk
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17th Senate District
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Guidance on FBI Criminal Background Check Language in PT Compact Legislation

In order to facilitate the implementation of the FBI CBC and the PT Compact, the Physical Therapy Compact Commission (PTCC) recommends, *in addition to* introducing the PT Compact legislative language, amending existing state code to clearly state the requirement of a Federal Bureau of Investigation criminal background check (FBI CBC) for all initial licensees. The guidance below is based on the recent experience of Compact member states that did not require FBI CBC for initial licensees prior to passing the Compact legislation. Please contact T.J. Cantwell, Compact Administrator, at administrator@ptcompact.org or 703-299-3100 ext. 261 with any questions or to review draft legislation.

The FBI has informed the PTCC that in order to be considered for FBI CBC approval the state code must comply with the requirements of Federal statute P.L. 92-544 which consists of the following criteria:

- a. The statute must exist as a result of a legislative enactment;
- b. It must require the fingerprinting of applicants who are to be subjected to a national criminal history background check; .
- c. It must expressly or by implication authorize the use of FBI records for the screening of applicants;
- d. It must identify the specific category of applicants/licensees falling within its purview, thereby avoiding overbreadth;
- e. It must not be against public policy; and
- f. It must not authorize receipt of the CHRI by a private entity

The FBI also informed the PTCC that states should consult their state ID bureaus regarding the recommended language in order to meet the requirements of P.L. 92-544. A list of the ID bureaus can be found at <https://www.fbi.gov/services/cjis/identity-history-summary-checks/state-identification-bureau-listing>. Please communicate with the state ID bureau for recommended language to include in the bill; the FBI CBC is a legislative change which cannot be accomplished through rule promulgation.

Suggested amendments to existing state code:

The PTCC is providing these suggestions as a starting point for amendment language that may meet the requirements of P.L. 92-544 and therefore meet the FBI requirements. However, it is strongly recommended that any changes be drafted in accordance with the state code and reviewed by the appropriate official in the state ID bureau.

1. Amend board authority section to explicitly state that the board can ask for fingerprints and receive national criminal history checks (FBI CBC) for use in their decision making regarding licensure, that fingerprints be initially submitted to the state identification bureau, and that the CBC information cannot be shared with the Commission, other entities or across state lines,
See Example Language Attached

2. Amend the licensure requirements for both physical therapists and physical therapist assistants to state that CBC is required for licensure.

See Example Language Attached

Important Notes:

- Do not change any of the model language as this may keep the state from being recognized by the Commission. However, these suggested changes can be added to state code as separate sections after or before the model language section of the bill.
- These suggested changes are recommended based on recent experience, however the changes do not guarantee FBI approval to conduct criminal background checks.
- All changes and amendments to state code should be written and reviewed by qualified experts in your state.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H2/18/19

A Bill

HOUSE BILL 1422

5 By: Representatives Boyd, Vaught
6 By: Senator K. Hammer
7

For An Act To Be Entitled

8
9 AN ACT TO REQUIRE A CRIMINAL BACKGROUND CHECK AS A
10 REQUIREMENT FOR LICENSURE AS A PHYSICAL THERAPIST OR
11 A PHYSICAL THERAPIST ASSISTANT; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15
16 TO REQUIRE A CRIMINAL BACKGROUND CHECK AS
17 A REQUIREMENT FOR LICENSURE AS A PHYSICAL
18 THERAPIST OR A PHYSICAL THERAPIST
19 ASSISTANT.
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 17-93-303(b), concerning the licensing
25 requirements for a physical therapist, is amended to add an additional
26 subdivision to read as follows:

27 (6)(A) Apply to the Identification Bureau of the Department of
28 Arkansas State Police for a state and national criminal background check to
29 be conducted by the Federal Bureau of Investigation.

30 (B) The criminal background check shall conform to the
31 applicable federal standards, as existing on January 1, 2019, and shall
32 include the taking of fingerprints.

33 (C) The applicant shall sign a release of information to
34 the board and be responsible to the Department of Arkansas State Police for
35 the payment of any fee associated with the criminal background check.

36 (D) Upon completion of the criminal background check, the



1 Identification Bureau of the Department of Arkansas State Police shall
2 forward to the board all information obtained concerning the commission by
3 the applicant of any offense listed.

4

5 SECTION 2. Arkansas Code § 17-93-304(b), concerning the licensing
6 requirements of a physical therapist assistant, is amended to add an
7 additional subdivision to read as follows:

8 (6)(A) Apply to the Identification Bureau of the Department of
9 Arkansas State Police for a state and national criminal background check to
10 be conducted by the Federal Bureau of Investigation.

11 (B) The criminal background check shall conform to the
12 applicable federal standards, as existing on January 1, 2019, and shall
13 include the taking of fingerprints.

14 (C) The applicant shall sign a release of information to
15 the Arkansas State Board of Physical Therapy and be responsible to the
16 Department of Arkansas State Police for the payment of any fee associated
17 with the criminal background check.

18 (D) Upon completion of the criminal background check, the
19 Identification Bureau of the Department of Arkansas State Police shall
20 forward to the Arkansas State Board of Physical Therapy all information
21 obtained concerning the commission by the applicant of any offense listed.

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23 /s/Boyd

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APPROVED: 3/5/19

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AN ACT AUTHORIZING AND CLARIFYING A PROCESS FOR FINGERPRINT-BASED CRIMINAL RECORD BACKGROUND CHECKS FOR SPECIFIED OCCUPATIONAL AND PROFESSIONAL LICENSEES AND FOR DEPARTMENT OF LABOR AND INDUSTRY STAFF AUTHORIZED TO OFFSET TAX REFUNDS RELATED TO UNEMPLOYMENT INSURANCE CONTRIBUTIONS OR BENEFIT OVERPAYMENTS; AMENDING SECTIONS 37-1-307, 37-11-312, 37-17-403, AND 39-51-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-1-307, MCA, is amended to read:

"37-1-307. Board authority. (1) A board may:

- (a) hold hearings as provided in this part;
- (b) issue subpoenas requiring the attendance of witnesses or the production of documents and administer oaths in connection with investigations and disciplinary proceedings under this part. Subpoenas must be relevant to the complaint and must be signed by a member of the board. Subpoenas may be enforced as provided in 2-4-104.
- (c) authorize depositions and other discovery procedures under the Montana Rules of Civil Procedure in connection with an investigation, hearing, or proceeding held under this part;
- (d) establish a screening panel to determine whether there is reasonable cause to believe that a licensee has violated a particular statute, rule, or standard justifying disciplinary proceedings. A screening panel is an agency for purposes of summary suspensions under 2-4-631. A screening panel shall specify in writing the particular statute, rule, or standard that the panel believes may have been violated. The screening panel shall also state in writing the reasonable grounds that support the panel's finding that a violation may have occurred. The assigned board members may not subsequently participate in a hearing of the case. The final decision on the case must be made by a majority of the board members who did not serve on the screening panel for the case.

(e) grant or deny a license and, upon a finding of unprofessional conduct by an applicant or license holder, impose a sanction provided by this chapter.

(2) Each board is designated as a criminal justice agency within the meaning of 44-5-103 for the purpose of obtaining confidential criminal justice information, as defined in 44-5-103, regarding the board's licensees and license applicants and regarding possible unlicensed practice, but the board may not record or retain any confidential criminal justice information without complying with the provisions of the Montana Criminal Justice Information Act of 1979, Title 44, chapter 5.

(3) A board may contact and request information from the department of justice, which is designated as a criminal justice agency within the meaning of 44-5-103, for the purpose of obtaining criminal history record information regarding the board's licensees and license applicants and regarding possible unlicensed practice.

(4) (a) A board that is statutorily authorized to obtain a criminal record background check report as a prerequisite to the issuance of a license shall require the applicant to submit a full set of fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of investigation.

(b) The applicant shall sign a release of information to the board and is responsible to the department of justice for the payment of all fees associated with the criminal record background check report.

(c) Upon completion of the criminal record background check, the department of justice shall forward all criminal history record information, as defined in 44-5-103, in any jurisdiction to the board as authorized in 44-5-303.

(d) At the conclusion of any background check required by this section, the board must receive the criminal record background check report but may not receive the fingerprint card of the applicant. Upon receipt of the criminal record background check report, the department of justice shall promptly destroy the fingerprint card of the applicant.

[(5) Each board shall require a license applicant to provide the applicant's social security number as a part of the application. Each board shall keep the social security number from this source confidential, except that a board may provide the number to the department of public health and human services for use in administering Title IV-D of the Social Security Act.] (Bracketed language terminates on occurrence of contingency--sec. 1, Ch. 27, L. 1999.)"

Section 2. Section 37-11-312, MCA, is amended to read:

"37-11-312. Criminal record background check. (1) As provided in 37-1-307, the board ~~is authorized~~ to shall require each applicant for licensure as a physical therapist or physical therapist assistant to submit a full set of the applicant's fingerprints to the board ~~for the purpose of obtaining a state and federal~~ to facilitate a fingerprint-based criminal history record background check by the Montana department of justice and the federal bureau of investigation. The board may not disseminate criminal history record information resulting from the background check across state lines.

~~(2) Each license applicant is responsible to pay all fees charged in relation to obtaining the state and federal criminal history background check.~~

~~(3)~~(2) The board may require licensees renewing their licenses to submit a full set of their fingerprints to the board for the purpose of obtaining a ~~state and federal~~ criminal history record background check by the:

~~(4) The Montana department of justice may share the fingerprint data gathered under this section with~~ and the federal bureau of investigation."

Section 3. Section 37-17-403, MCA, is amended to read:

"37-17-403. License required -- qualifications. (1) An individual may not represent to the public that the individual is an assistant behavior analyst or a behavior analyst without a license issued under this section.

(2) The board shall license as a behavior analyst or an assistant behavior analyst an individual who:

(a) ~~has submitted~~ submits an application as determined by the board by rule;

(b) ~~has paid~~ pays required applicant fees and subsequent renewal fees;

(c) ~~has passed a state-approved~~ submits a full set of the applicant's fingerprints to the board to facilitate a fingerprint-based criminal record background check by the Montana department of justice and the federal bureau of investigation. The board may not disseminate criminal history record information resulting from the background check across state lines.;

(d) ~~has provided~~ provides evidence of current certification at the appropriate level from the behavior analyst certification board;

(e) is of good moral character; and

(f) attests to abiding by professional and ethical requirements indicated in the Professional and Ethical Compliance Code for Behavior Analysts recognized by the behavior analyst certification board.

(3) To obtain a license as a behavior analyst, an individual must meet the requirements in subsection

(2) and:

(a) have passed the board-certified behavior analyst examination by the behavior analyst certification board;

(b) be currently certified as a behavior analyst by the behavior analyst certification board; and

(c) have met the educational course work and requirements set by the board by rule.

(4) To obtain a license as an assistant behavior analyst, an individual must meet the requirements in subsection (2) and:

(a) have passed the board-certified assistant behavior analyst examination by the behavior analyst certification board;

(b) be currently certified as an assistant behavior analyst by the behavior analyst certification board; and

(c) have met the educational course work and requirements set by the board by rule."

Section 4. Section 39-51-304, MCA, is amended to read:

"39-51-304. Personnel -- criminal record background check. (1) The department shall hire personnel to administer this chapter in accordance with principles adopted by the department of administration.

(2) Department personnel who have direct access to federal tax information as a result of the department's participation in federal offset programs under 26 U.S.C. 6402 shall submit a full set of fingerprints to the department to facilitate a fingerprint-based criminal record background check by the Montana department of justice and the federal bureau of investigation."

Section 5. Effective date. [This act] is effective on passage and approval.

- END -

An Act

ENROLLED HOUSE
BILL NO. 2571

By: Roberts (Sean) of the House

and

Pugh of the Senate

An Act relating to professions and occupations; amending 59 O.S. 2011, Sections 887.5 and 887.6, which relate to physical therapists; modifying powers and duties of the State Board of Medical Licensure and Supervision; authorizing Board to conduct criminal background checks; modifying licensure requirements; providing for criminal history record checks of applicants; prohibiting dissemination outside of state; and declaring an emergency.

SUBJECT: Physical therapists

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2011, Section 887.5, is amended to read as follows:

Section 887.5 The State Board of Medical ~~Examiners~~ Licensure and Supervision shall have the power and duty to:

1. Promulgate the rules and regulations necessary for the performance of its duties pursuant to the provisions of the Physical Therapy Practice Act;

2. Determine, as recommended by the Committee, the qualifications of applicants for licensure, conduct all examinations, and determine which applicants successfully passed such examinations;

3. Issue a license to each applicant who passes the examination in accordance with standards promulgated by the Board pursuant to the Physical Therapy Practice Act, and who is otherwise in compliance with the Physical Therapy Practice Act. A license shall

also be issued to persons who qualify for such license pursuant to the provisions of Sections 887.9 and 887.10 of this title. Said licenses shall be subject to annual renewal as provided by the Physical Therapy Practice Act;

4. Make such investigations and inspections as are necessary to ensure compliance with the Physical Therapy Practice Act and the rules and regulations of the Board promulgated pursuant to the act;

5. Conduct hearings as required by the provisions of the Administrative Procedures Act, Section ~~301~~ 250 et seq. of Title 75 of the Oklahoma Statutes;

6. Report to the district attorney having jurisdiction or the Attorney General any act committed by any person which may constitute a misdemeanor pursuant to the provisions of the Physical Therapy Practice Act;

7. Initiate prosecution and civil proceedings;

8. Suspend, revoke or deny the license of any physical therapist and physical therapist assistant for violation of any provisions of the Physical Therapy Practice Act or rules and regulations promulgated by the Board pursuant to this act;

9. Maintain a record listing the name of each physical therapist and physical therapist assistant licensed in this state;

10. Compile a list of physical therapists and physical therapist assistants licensed to practice in this state. Said list shall be available to any person upon application to the Board and the payment of such fee as determined by the Board for the reasonable expense thereof pursuant to the provisions of the Physical Therapy Practice Act; ~~and~~

11. Make such expenditures and employ such personnel as it may deem necessary for the administration of the provisions of the Physical Therapy Practice Act; and

12. Conduct state and national criminal history record checks as determined by the Board through the Oklahoma State Bureau of Investigation pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes and Federal Bureau of Investigation in accordance with 28 U.S.C., Section 534 and 34 U.S.C., Section 40316; provided, however,

that reports from such record checks shall not be shared with entities outside of this state.

SECTION 2. AMENDATORY 59 O.S. 2011, Section 887.6, is amended to read as follows:

Section 887.6 A. Except as otherwise provided by law, to be eligible for licensure as a physical therapist or physical therapist assistant pursuant to the provisions of the Physical Therapy Practice Act an applicant shall:

1. Be of good moral character; and
2. Pass an examination based on standards promulgated by the State Board of Medical Licensure and Supervision pursuant to the Physical Therapy Practice Act which shall include a written examination testing the knowledge of the applicant on:
 - a. the basic and clinical sciences as they relate to physical therapy theory and physical therapy procedures, and
 - b. such other subjects as the Board may deem necessary to test the applicant's fitness to practice physical therapy or as a physical therapist assistant. Examinations shall be held within this state at least once per year, at such time and place as the Board shall determine.

B. 1. In addition to the requirements provided by subsection A of this section, and except as provided in paragraph 2 of this subsection or subsection D of this section, an applicant for a license to practice as a physical therapist shall have graduated from a school of physical therapy approved by a national accrediting body which has been recognized by the Board.

2. An applicant for a license to practice as a physical therapist who has been educated through a program or school of physical therapy which is or has been sponsored by a branch of the Armed Forces of the United States may be licensed as a physical therapist if the Board determines that the education of the applicant is substantially equivalent to, or exceeds, the requirements of accredited educational programs.

C. 1. In addition to the requirements provided by subsection A of this section, and except as provided in paragraph 2 of this subsection, an applicant for a license to practice as a physical therapist assistant shall have graduated from an approved program for physical therapist assistants consisting of at least a two-year program approved by a national accrediting body which has been recognized by the Board. An approved course of study shall include such elementary and intermediate courses in the anatomical, biological, and physical sciences as may be determined by the Board.

2. An applicant for a license to practice as a physical therapist assistant who has been educated through a program for physical therapist assistants which is or has been sponsored by a branch of the Armed Forces of the United States may be licensed as a physical therapist assistant if the Board determines that the education of the applicant is substantially equivalent to, or exceeds, the requirements of accredited educational programs.

D. 1. Except as otherwise provided by paragraph 2 of this subsection, an applicant for licensure as a physical therapist who has been educated in physical therapy outside the United States shall meet the following qualifications:

- a. be of good moral character,
- b. have completed the application process,
- c. provide satisfactory evidence that their education is substantially equivalent to the requirements of physical therapists educated in accredited educational programs as determined by the Board. If the Board determines that a foreign-educated applicant's education is not substantially equivalent, it may require completion of additional course work before proceeding with the application process,
- d. provide written proof that the school of physical therapy education is recognized by its own ministry of education,
- e. provide written proof of authorization to practice as a physical therapist without limitations in the country where the professional education occurred,

- f. provide proof of legal authorization to reside and seek employment in the United States or its territories,
- g. have their educational credentials evaluated by a Board-approved credential evaluation agency,
- h. have passed the Board-approved English proficiency examinations if their native language is not English,
- i. have participated in an interim supervised clinical practice period prior to licensure, which may be waived at the discretion of the Board, if:
 - (1) the applicant for licensure is able to verify the successful completion of one (1) year of clinical practice in the United States or the District of Columbia, or
 - (2) the applicant is able to document exceptional expertise acceptable to the Board in the fields of research, education, or clinical practice, and
- j. have successfully passed the national examination approved by the Board.

2. If the foreign-educated physical therapist applicant is a graduate of a CAPTE-accredited physical therapy education program, requirements in subparagraphs c, d, g and i of paragraph 1 of this subsection may be waived.

E. When a foreign-educated applicant satisfies the qualifications for licensure set forth in subparagraphs a through h of paragraph 1 of subsection D of this section, prior to licensure the Board shall issue an interim permit to the applicant for the purpose of participating in a supervised clinical practice period. The time period of an interim permit shall not be less than ninety (90) days nor more than six (6) months. An interim permit holder, to the satisfaction of the Board, shall complete a period of clinical practice under the continuous and immediate supervision of a physical therapist who holds an unrestricted license issued pursuant to the Physical Therapy Practice Act in a facility approved by the Board.

F. 1. In addition to the requirements provided by subsection A of this section, the Board may require an applicant for licensure as a physical therapist or physical therapist assistant pursuant to the provisions of the Physical Therapy Practice Act, as a condition for eligibility for initial licensure, to submit a full set of fingerprints in a form and manner prescribed by the Board.

2. The Board is authorized to obtain state and national criminal history record information on the applicant.

3. The Board shall not disseminate criminal history record information resulting from the background check outside of this state.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa0554/P1
MED:cdc

In 9-26-19
Oct 9-27-19

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE BILL 390

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 6, line 9: after that line insert:

3 **"SECTION 12g.** 440.03 (13) (c) of the statutes is amended to read:

4 440.03 (13) (c) The department shall require an applicant for a private
5 detective license or a private security permit under s. 440.26, an applicant for a
6 juvenile martial arts instructor permit under sub. (17), an applicant for a real estate
7 appraiser certification under s. 458.06 or license under s. 458.08, an applicant for a
8 multistate license under s. 441.06 (1c) or 441.10 (1c), an applicant for a compact
9 license under s. 448.05 (2) (f), an applicant for a physical therapist license under s.
10 448.53 or physical therapist assistant license under s. 448.535, and a person for
11 whom the department conducts an investigation under par. (b), to be photographed
12 and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's

1 fingerprints. The department of justice may submit the fingerprint cards, and the
 2 department of justice shall submit the fingerprint cards of all applicants for a real
 3 estate appraiser certification under s. 458.06 or license under s. 458.08, or all
 4 applicants for a multistate license under s. 441.06 (1c) or 441.10 (1c), of all applicants
 5 for a compact license under s. 448.05 (2) (f), and of all applicants for a physical
 6 therapist license under s. 448.53 or a physical therapist assistant license under s.
 7 448.535, to the federal bureau of investigation for the purpose of verifying the
 8 identity of the persons fingerprinted and obtaining records of their criminal arrests
 9 and convictions. Information obtained from the federal bureau of investigation may
 10 be shared with the department or the appropriate credentialing board, but shall
 11 otherwise be kept confidential and is not subject to disclosure under s. 19.35.

History 1977 c. 418 ss. 24, 792; 1979 c. 34, 221, 337; 1981 c. 94; 1985 a. 29, 340; 1989 a. 31, 340; 1991 a. 39; 1993 a. 16, 102, 107, 443, 445, 490, 491; 1995 a. 27 ss. 6472g, 6472j, 9126 (19); 1995 a. 233; 1997 a. 27, 75, 79; 1997 a. 191 ss. 312, 313, 318; 1997 a. 231, 237; 1997 a. 261 ss. 1 to 4, 7, 10, 13; 1997 a. 311; 1999 a. 9, 32; 2001 a. 16, 66, 80; 2003 a. 151; 2005 a. 25; 2007 a. 20 ss. 3449 to 3462, 9121 (6) (a); 2007 a. 153, 189; 2009 a. 28, 130, 276, 282, 355; 2011 a. 32, 146, 160, 190, 255; 2013 a. 20, 36, 124, 244, 288, 358; 2015 a. 55, 116; 2015 a. 197 s. 51; 2015 a. 258; 2017 a. 59, 82, 113, 135, 278, 319, 329, 331; 2017 a. 365 ss. 79, 112.

Cross-reference: See also SPS, Wis. adm. code.

****NOTE: This change more explicitly requires all applicants for PT and PT assistant licenses to be fingerprinted and requires the fingerprints to the FBI "for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions" and explicitly requires that information to be kept confidential. Since the nurse and interstate medical licensure compact also require FBI fingerprint submissions (see ss. 441.51 (5) (a) 5. and 448.980 (5) (b) 3.), I added in references ~~to~~ to those ~~to~~ too. OK?

12 **SECTION 12r.** 440.03 (13) (c) of the statutes, as affected by 2019 Wisconsin Act
 13 (this act), is amended to read:
 14 440.03 (13) (c) The department shall require an applicant for a private
 15 detective license or a private security permit under s. 440.26, an applicant for a
 16 juvenile martial arts instructor permit under sub. (17), an applicant for a real estate
 17 appraiser certification under s. 458.06 or license under s. 458.08, an applicant for a
 18 multistate license under s. 441.06 (1c) or 441.10 (1c), ~~an applicant for a compact~~
 19 ~~license under s. 448.05 (2) (f),~~ an applicant for a physical therapist license under s.
 20 448.53 or physical therapist assistant license under s. 448.535, and a person for

1 whom the department conducts an investigation under par. (b), to be photographed
 2 and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's
 3 fingerprints. The department of justice may submit the fingerprint cards, and the
 4 department of justice shall submit the fingerprint cards of all applicants for a real
 5 estate appraiser certification under s. 458.06 or license under s. 458.08, or all
 6 applicants for a multistate license under s. 441.06 (1c) or 441.10 (1c), ~~of all applicants~~
 7 ~~for a compact license under s. 448.05 (2) (f)~~, and of all applicants for a physical
 8 therapist license under s. 448.53 or a physical therapist assistant license under s.
 9 448.535, to the federal bureau of investigation for the purpose of verifying the
 10 identity of the persons fingerprinted and obtaining records of their criminal arrests
 11 and convictions. Information obtained from the federal bureau of investigation may
 12 be shared with the department or the appropriate credentialing board, but shall
 13 otherwise be kept confidential and is not subject to disclosure under s. 19.35. ^Q

14 **2.** Page 36[✓], line 10: before "repeal" insert "treatment of s. 440.03 (13) (c) (by
 15 ^{A.P.} SECTION 12r) and the".

16 **3.** Page 36[✓], line 10: delete "takes" and substitute "take".

17 **4.** Page 36[✓], line 13: before "repeal" insert "treatment of s. 440.03 (13) (c) (by
 18 ^{A.R.} SECTION 12r) and the".

19 **5.** Page 36[✓], line 13: delete "is" and substitute "are".

20

(END)

Duchek, Michael

From: Williams, Vincent
Sent: Monday, September 30, 2019 3:01 PM
To: Duchek, Michael; Spencer, Matthew
Cc: Rep.Stafsholt
Subject: LRBa0554

Mike,

Can I get the amendment LRBa0554 jacketed as a slash 1?

Matt Spencer from Rep. Stafsholt's office can confirm that they would like the identical amendment for the Assembly companion.

Regards,

Vince Williams
Legislative Aide & Committee Clerk
Office of State Senator Howard Marklein
17th Senate District
PO Box 7882
Madison, WI 53707-7882
www.legis.wisconsin.gov
(608) 266-0703 or (800) 978-8008



Stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ;
TO SENATE BILL 390

BH
SA
SCV

1 At the locations indicated, amend the bill as follows:

2 1. Page 6, line 9: after that line insert:

3 "SECTION 12g. 440.03 (13) (c) of the statutes is amended to read:

4 440.03 (13) (c) The department shall require an applicant for a private
5 detective license or a private security permit under s. 440.26, an applicant for a
6 juvenile martial arts instructor permit under sub. (17), an applicant for a real estate
7 appraiser certification under s. 458.06 or license under s. 458.08, an applicant for a
8 multistate license under s. 441.06 (1c) or 441.10 (1c), an applicant for a compact
9 license under s. 448.05 (2) (f), an applicant for a physical therapist license under s.
10 448.53 or physical therapist assistant license under s. 448.535, and a person for
11 whom the department conducts an investigation under par. (b), to be photographed
12 and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's

1 fingerprints. The department of justice may submit the fingerprint cards, and the
2 department of justice shall submit the fingerprint cards of all applicants for a real
3 estate appraiser certification under s. 458.06 or license under s. 458.08, or all
4 applicants for a multistate license under s. 441.06 (1c) or 441.10 (1c), of all applicants
5 for a compact license under s. 448.05 (2) (f), and of all applicants for a physical
6 therapist license under s. 448.53 or a physical therapist assistant license under s.
7 448.535, to the federal bureau of investigation for the purpose of verifying the
8 identity of the persons fingerprinted and obtaining records of their criminal arrests
9 and convictions. Information obtained from the federal bureau of investigation may
10 be shared with the department or the appropriate credentialing board, but shall
11 otherwise be kept confidential and is not subject to disclosure under s. 19.35.

***NOTE: This change more explicitly requires all applicants for PT and PT assistant licenses to be fingerprinted and requires the fingerprints to the FBI "for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions" and explicitly requires that information to be kept confidential. Since the nurse and interstate medical licensure compact also require FBI fingerprint submissions (see ss. 441.51 (5) (a) 5. and 448.980 (5) (b) 3.), I added in references to those too. OK?

12 **SECTION 12r.** 440.03 (13) (c) of the statutes, as affected by 2019 Wisconsin Act
13 (this act), is amended to read:

14 440.03 (13) (c) The department shall require an applicant for a private
15 detective license or a private security permit under s. 440.26, an applicant for a
16 juvenile martial arts instructor permit under sub. (17), an applicant for a real estate
17 appraiser certification under s. 458.06 or license under s. 458.08, an applicant for a
18 multistate license under s. 441.06 (1c) or 441.10 (1c), ~~an applicant for a compact~~
19 ~~license under s. 448.05 (2) (f),~~ an applicant for a physical therapist license under s.
20 448.53 or physical therapist assistant license under s. 448.535, and a person for
21 whom the department conducts an investigation under par. (b), to be photographed

1 and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's
2 fingerprints. The department of justice may submit the fingerprint cards, and the
3 department of justice shall submit the fingerprint cards of all applicants for a real
4 estate appraiser certification under s. 458.06 or license under s. 458.08, or all
5 applicants for a multistate license under s. 441.06 (1c) or 441.10 (1c), of all applicants
6 for a compact license under s. ~~448.05 (2) (f)~~, and of all applicants for a physical
7 therapist license under s. 448.53 or a physical therapist assistant license under s.
8 448.535, to the federal bureau of investigation for the purpose of verifying the
9 identity of the persons fingerprinted and obtaining records of their criminal arrests
10 and convictions. Information obtained from the federal bureau of investigation may
11 be shared with the department or the appropriate credentialing board, but shall
12 otherwise be kept confidential and is not subject to disclosure under s. 19.35.”.

13 **2.** Page 36, line 10: before “repeal” insert “treatment of s. 440.03 (13) (c) (by
14 SECTION 12r) and the”.

15 **3.** Page 36, line 10: delete “takes” and substitute “take”.

16 **4.** Page 36, line 13: before “repeal” insert “treatment of s. 440.03 (13) (c) (by
17 SECTION 12r) and the”.

18 **5.** Page 36, line 13: delete “is” and substitute “are”.

19 (END)