August 5, 2021 - Introduced by Senators Jacque and Nass, cosponsored by Representatives Murphy, Horlacher, Brandtjen, Cabral-Guevara, Dittrich, Edming, Moses, Rozar, Thiesfeldt, Wichgers and Knodl. Referred to Committee on Insurance, Licensing and Forestry.

AN ACT to renumber 440.09 (2); to renumber and amend 440.09 (2m), 440.09 (3) (a), 440.09 (3) (b), 440.09 (4) and 440.09 (5); to amend 101.022, 101.874 (2), 101.874 (3) (intro.) and 440.09 (title); and to create 89.072 (3), 101.874 (4), 440.09 (1) (title), 440.09 (1m), 440.09 (2e) (title) and 440.09 (3m) of the statutes; relating to: reciprocal credentials and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill establishes a process for credential holders from other states to obtain reciprocal credentials to practice their professions in Wisconsin. Under the bill, a person who applies to the Department of Safety and Professional Services, a credentialing board, or the Veterinary Examining Board, as appropriate, must be granted a reciprocal credential if the person holds a license, certification, registration, or permit granted by another state that qualifies the person to practice the profession authorized under the analogous credential granted by DSPS or the appropriate board. In order to receive the reciprocal credential, an applicant must reside in Wisconsin and satisfy certain other requirements, including that 1) the applicant has held a license, certification, registration, or permit analogous to the credential in another state for at least one year; 2) when the applicant was granted the license, certification, registration, or permit, minimum education and, if applicable, work experience and clinical supervision requirements applied; 3) the applicant has not had a license, certification, registration, or permit revoked; 4) the applicant does not have a complaint, allegation, or investigation pending before a
regulating entity in another state or country relating to unprofessional conduct; 5) the applicant passes a criminal background check that applies to applicants for the analogous credential; and 6) the applicant passes an examination on the laws governing practice of the profession in Wisconsin, if such an examination is required for the analogous credential.

The bill generally applies to credentials granted by the Veterinary Examining Board, DSPS, and credentialing boards in DSPS, but does not apply to credentials related to transportation network companies, private colleges, boxing and martial arts, body art and tanning facilities, private detectives, and security guards.

Additionally, a person who applies for a reciprocal credential under the bill during the first year after it takes effect is not required to pay any fee for the credential.

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:

SECTION 1. 89.072 (3) of the statutes is created to read:

89.072 (3) (a) The examining board shall grant a license or certification under s. 89.06 to a person who the examining board determines meets all of the following requirements:

1. The person applies for a license or certification under this chapter on a form prescribed by the examining board.

2. The person holds a license, certification, registration, or permit that was granted by another state that qualifies the person to perform the acts authorized under the license or certification granted by the examining board and all of the following apply:

   a. The person has held that license, certification, registration, or permit for at least one year.

   b. When the person was granted the license, certification, registration, or permit, there were minimum education requirements in effect, and the other state
verifies that the person met those requirements in order to receive that license, certification, registration, or permit.

3. The person establishes residence in this state.

4. The person previously passed all examinations required for the license, certification, registration, or permit in the other state, if required by the other state.

5. The person has not had his or her license, certification, registration, or permit revoked and has not voluntarily surrendered a license, certification, registration, or permit in another state or country while under investigation for unprofessional conduct.

6. The person has not had discipline imposed by a regulating entity in another state or country, except that if a regulating entity in another state or country has taken disciplinary action against the person, the examining board shall determine if the cause for the action was corrected and the matter resolved, and if the matter has been resolved, the examining board shall issue the license or certification if the other requirements in this paragraph are satisfied.

7. The person does not have a complaint, allegation, or investigation pending before a regulating entity in another state or country that relates to unprofessional conduct. If the individual has any complaint, allegation, or investigation pending, the examining board shall suspend the application process and may not issue or deny a license or certification to the person until the complaint, allegation, or investigation is resolved.

8. The person does not have an arrest record, as defined in s. 111.32 (1), or a conviction record, as defined in s. 111.32 (3), that would disqualify the person from being granted a license or certification under this chapter.
9. The person passes an examination on the laws and rules related to practicing under a license or certification under this chapter.

10. The person pays the fee established under s. 89.063.

(b) The examining board shall promulgate rules to implement par. (a) but may not require any requirements other than those specified in par. (a) to be satisfied in order for a person to be granted a license or certification under par. (a).

**SECTION 2.** 101.022 of the statutes is amended to read:

101.022 **Certain laws applicable to occupational licenses.** Sections 440.03 (1), (3m), (4), (11m), and (13) (a), (am), and (b) 75., 440.05 (1) (a) and (2) (b), 440.075, 440.09 (2), 440.11, 440.12, 440.121, 440.13, 440.14, 440.15, 440.19, 440.20 (1), (3), (4) (a), and (5) (a), 440.205, 440.21, and 440.22, and the requirements imposed on the department under those statutes, apply to occupational licenses, as defined in s. 101.02 (1) (a) 2., in the same manner as those statutes apply to credentials, as defined in s. 440.01 (2) (a).

**SECTION 3.** 101.874 (2) of the statutes is amended to read:

101.874 (2) The department may enter into a reciprocal agreement with another state under which credentials issued to electricians, electrical apprentices, electrical contractors, and electrical inspectors by either state are recognized as comparable credentials by the other state. **Under Except as provided under sub. (4),** under the agreement, the department may recognize credentials from the other state only if the education, experience, and examination requirements in the other state are at least equivalent to the education, experience, and examination requirements for being issued credentials under this subchapter.

**SECTION 4.** 101.874 (3) (intro.) of the statutes is amended to read:
101.874 (3) (intro.) Upon entering into an agreement under this section, the
department may issue a credential under the agreement only if all of the following
apply:

**SECTION 5.** 101.874 (4) of the statutes is created to read:

101.874 (4) Notwithstanding any agreement the department enters into under
this section, the department shall grant a reciprocal credential under s. 440.09 (3m)
to an individual who meets the requirements under s. 440.09 (3m).

**SECTION 6.** 440.09 (title) of the statutes is amended to read:

440.09 (title) **Reciprocal credentials for service members, former**
service members, and their spouses.

**SECTION 7.** 440.09 (1) (title) of the statutes is created to read:

440.09 (1) (title) **DEFINITIONS.**

**SECTION 8.** 440.09 (1m) of the statutes is created to read:

440.09 (1m) **RECIPROCAL CREDENTIALS; GENERALLY.** In addition to any provisions
allowing an individual to be granted a reciprocal credential, an individual may be
granted a reciprocal credential under sub. (2e) or (3m). Subject to sub. (2e) (c), an
individual who is granted a reciprocal credential under sub. (2e) or (3m) shall
otherwise be considered to hold the applicable credential under, and be subject to, the
applicable provisions governing that credential.

**SECTION 9.** 440.09 (2) of the statutes is renumbered 440.09 (2e) (a).

**SECTION 10.** 440.09 (2e) (title) of the statutes is created to read:

440.09 (2e) (title) **RECIPROCAL CREDENTIALS FOR SERVICE MEMBERS, FORMER**
service members, and their spouses.

**SECTION 11.** 440.09 (2m) of the statutes is renumbered 440.09 (2e) (b) and
amended to read:
440.09 (2e) (b) If an individual is unable to provide documentation under this subsection that the individual is a service member, former service member, or the spouse of a service member or former service member, the individual may submit an affidavit to the department or credentialing board, as appropriate, stating that the individual is a service member, former service member, or the spouse of a service member or former service member.

SECTION 12. 440.09 (3) (a) of the statutes is renumbered 440.09 (2e) (c) 1. and amended to read:

440.09 (2e) (c) 1. A reciprocal credential granted under this section subsection expires on the applicable renewal date specified in s. 440.08 (2) (a), except that if the first renewal date specified in s. 440.08 (2) (a) after the date on which the credential is granted is within 180 days of the date on which the credential is granted, the credential expires on the 2nd renewal date specified in s. 440.08 (2) (a) after the date on which the credential is granted.

SECTION 13. 440.09 (3) (b) of the statutes is renumbered 440.09 (2e) (c) 2. and amended to read:

440.09 (2e) (c) 2. The department or credentialing board, as appropriate, shall grant a renewed reciprocal credential under this subsection to an applicant who pays the renewal fee specified under s. 440.05 (2) and satisfies the requirements that apply for renewing that credential.

SECTION 14. 440.09 (3m) of the statutes is created to read:

440.09 (3m) Reciprocal credentials for out-of-state credential holders.

(a) Except as provided in par. (b), the department and each credentialing board shall grant a reciprocal credential to an individual who the department or credentialing board determines meets all of the following requirements:
1. The individual applies for a reciprocal credential under this subsection on a form prescribed by the department or credentialing board.

2. The individual holds a license, certification, registration, or permit that was granted by another state that qualifies the individual to perform the acts authorized under the appropriate credential granted by the department or credentialing board and all of the following apply:
   a. The individual has held that license, certification, registration, or permit for at least one year.
   b. When the individual was granted that license, certification, registration, or permit, there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect, and the other state verifies that the individual met those requirements in order to receive that license, certification, registration, or permit.

3. The individual establishes residence in this state.

4. The individual previously passed all examinations required for the license, certification, registration, or permit in the other state, if required by the other state.

5. The individual has not had a license, certification, registration, or permit revoked and has not voluntarily surrendered a license, certification, registration, or permit in another state or country while under investigation for unprofessional conduct.

6. The individual has not had discipline imposed by a regulating entity in another state or country, except that if a regulating entity in another state or country has taken disciplinary action against the individual, the department or the credentialing board shall determine if the cause for the action was corrected and the matter resolved, and if the matter has been resolved, the department or the
credentialing board shall grant the reciprocal credential if the other requirements in this paragraph are satisfied.

7. The individual does not have a complaint, allegation, or investigation pending before a regulating entity in another state or country that relates to unprofessional conduct. If the individual has any complaint, allegation, or investigation pending, the department or credentialing board shall suspend the application process and may not grant or deny a reciprocal credential to the individual until the complaint, allegation, or investigation is resolved.

8. The individual does not have an arrest record, as defined in s. 111.32 (1), or a conviction record, as defined in s. 111.32 (3), that would disqualify the individual from being granted that credential under the applicable provisions governing that credential.

9. The individual passes an examination on the laws of this state, if required for other applicants for that credential under the applicable provisions governing that credential.

10. The individual pays all applicable fees, including the fee specified under s. 440.05 (2).

(b) 1. Paragraph (a) does not apply to any credentials or other forms of permission granted pursuant to an interstate compact or to the extent that its application conflicts with an interstate compact.

2. Paragraph (a) does not apply to the extent that its application conflicts with any federal law.

3. Paragraph (a) does not apply to any credentials or activities regulated under s. 440.26, subch. IV or V of ch. 440, or ch. 444, 463, or 470.
(c) The department and any credentialing board to which this subsection applies shall promulgate rules to implement par. (a) but may not require any requirements other than those specified in par. (a) to be satisfied in order for an individual to be granted a reciprocal credential under par. (a).

SECTION 15. 440.09 (4) of the statutes is renumbered 440.09 (2e) (d) and amended to read:

440.09 (2e) (d) The department or credentialing board, as appropriate, shall expedite the issuance of a reciprocal credential granted under this section subsection.

SECTION 16. 440.09 (5) of the statutes is renumbered 440.09 (2e) (e) and amended to read:

440.09 (2e) (e) The department or credentialing board, as appropriate, may promulgate rules necessary to implement this section subsection.

SECTION 17. Nonstatutory provisions.

(1) RECIPROCAL LICENSES; TEMPORARY FEE WAIVER. Notwithstanding ss. 89.063, 89.072 (3) (a) 10., 101.82 (4), 440.05, and 440.09 (3m) (a) 10. and the applicable fee provisions in chs. 440 to 480, a person who submits an application for a reciprocal credential under s. 89.072 (3) or 440.09 (3m) no later than the first day of the 13th month beginning after the effective date of this subsection is not required to pay any fee for an initial reciprocal credential.

(END)