

Report From Agency

**STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
DEPARTMENT OF SAFETY AND : CR 20-029
PROFESSIONAL SERVICES :**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS: N/A.

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA are attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

This rule project updates the definitions sections of SPS 150 and 151 to incorporate the new definitions pertinent to athlete agents that were created by 2019 Wisconsin Acts 143 and 180.

SPS 151 and 152 are revised to remove sections that are either obsolete or duplicative. The application content section and denial of issuance or renewal of certificate of registration sections, SPS 151.02, 151.05, and 152.04 are entirely duplicative of statutory requirements, therefore this rule project repeals them. SPS 151.03, 152.02, and 152.05 are repealed as obsolete in listing the credential fee amount, as this information is no longer generally provided in rule, but in a listing on the department's website for each credential.

SPS 151 is revised to better instruct applicants on the process and requirements to apply for an original certificate of registration, a reciprocal certificate generally, a reciprocal certificate for service members, former service members, and spouses under s. 440.09, as well as to incorporate instructions for renewing original or reciprocal certificates as had been previously included under SPS 152.

SPS 153.01 to 153.07 are repealed as these requirements are all purely duplicative of statutory requirements. The remaining components of ch. SPS 153, SPS 153.08 to 153.10, are merged into ch. SPS 154 relating to unprofessional conduct. Additional provisions are created in ch. SPS 154 to reflect that unlicensed practice, assisting or

allowing unlicensed practice, and violating the statutory requirements for contract components, etc. are considered unprofessional conduct.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Department of Safety and Professional Services held a public hearing on August 28, 2020. There were no written comments or testimony received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 2. d.: The agency should consider including an initial applicability provision to make clear how the proposed rule will apply to applicants with pending applications. For example, the rule could specify that the provisions apply to applications submitted on or after the effective date of the rule. [s. 1.02 (3m), Manual.]

Response: 2019 Wisconsin Act 180 first applies to applications filed on or after July 1, 2020. This rule project revises the department's rules to bring them into conformity with the existing statutory requirements of Act 180 which are already in effect. As such, a delayed initial applicability date does not seem appropriate for this rule.

All remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A.