



CHRIS KAPENGA

WISCONSIN STATE SENATOR

Testimony on Senate Bills 748, 749, 750 & 751

Senate Committee on Public Benefits, Licensing & State-Federal Relations

February 14, 2018

Thank you committee members for hearing testimony today on Senate Bills 748, 749, 750 & 751. I also want to thank Representative Ballweg for co-authoring this legislation on behalf of the department.

This legislation was drafted in consultation with the Department of Safety and Professional Services, who conducted extensive outreach to interested stakeholders to find consensus on each of these bills. I will keep my comments brief, as the department will be providing details on specific points in the legislation.

Senate Bill 748

Senate Bill 748 makes a number of changes to the department's regulation of buildings. First, SB 748 cleans up language from the 2013 establishment of the uniform commercial building code by applying the procedures to counties in the same manner as other units of government. The bill also updates building code standards for carbon monoxide detection in commercial residential buildings that will improve safety and reduce costs for building owners. Lastly, the bill eliminates a statutory conflict that exists for the applicants to several professions that will allow applicants to take the exam before the completion of their education requirements, thus allowing them to get into the workforce sooner after graduation.

Senate Bill 749

Senate Bill 749 primarily makes a number of remedial statutory changes identified by the department. The bill also provides greater uniformity to department operations and procedures across professions. Specifically, it outlines uniform procedures for conducting hearings, handling complaints, and disciplinary proceedings. This streamlining will ensure the agency able to operate more efficiently and that DSPS customers will be treated consistently across professions.

Senate Bill 750

Senate Bill 750 makes a number of sensible changes to the DSPS's enforcement authority that are designed to continuing upholding public safety, while allowing the department flexibility to correct disciplinary issues

without taking away someone's livelihood. The bill also removes third party logistics providers from the definition of prescription drug wholesalers, putting Wisconsin in line with recent federal law changes.

Senate Bill 751

Senate Bill 751 makes a number of changes to the membership requirements of various credentialing boards, making it easier to fill certain openings and for boards to conduct business without impacting the integrity of those boards. The bill also eliminates a number of outdated statutory requirements that will allow the agency to operate in a more efficient and effective manner. For example, the bill eliminates a provision that requires that certain Cemetery Board statements be notarized or that DSPS publish an annual list of liquefied petroleum retailers.

Thank you again committee members for hearing these bills today. I would be happy to answer any questions.



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WISCONSIN STATE REPRESENTATIVE

41ST ASSEMBLY DISTRICT

Senate Bills 748, 749, 750, 751
Testimony of Representative Joan Ballweg
Senate Committee on Public Benefits, Licensing, and State-Federal Relations
February 14, 2018

Thank you, Chair Kapenga and members of the committee, for holding public hearings today on Senate Bills 748, 749, 750, and 751. These bills were introduced at the request of the Department of Safety and Professional Services (DPS).

In my role as co-chair of the Joint Committee for Review of Administrative Rules, I've been able to work closely with DPS and other agencies on administrative code and their relation to state statute. After 2011 Wisconsin Act 21 went into effect, our state agencies began to closely review both their rules and statute to ensure what was on the books was both up-to-date and enforceable through statute. The Assembly's Red Tape Review initiative has contributed to this effort. We want to make sure that any rules we have on book reflect law, are updated, and do not hurt the productivity of Wisconsin's citizens. The four bills before you today are the result of a collaborative review by the department and stakeholders to ensure these goals are met.

Additionally, the fiscal estimates for these bills show the department will need no additional funding to put forward the new rules and delete obsolete chapters.

Thank you again for considering this legislation.



DATE: February 14, 2018

TO: Members, Senate Committee on Public Benefits, Licensing and State-Federal Relations
The Honorable Chris Kapenga, Chair

FROM: Nate Yahn, Legislative Advisor
Wisconsin Department of Safety and Professional Services

SUBJECT: Senate Bill 751 (changes to statutes administered by DSPS and attached boards)

Chairman Kapenga and Committee Members:

The Wisconsin Department of Safety and Professional Services (DSPS) would like to provide some important background information and commentary to committee members as you consider 2017 Wisconsin Senate Bill 751 (SB 751). SB 751 includes various regulatory reform measures pertaining to the regulation of professions and buildings and safety that are administered by DSPS. The Department supports SB 751.

DSPS is focused on its mission of promoting economic growth and stability, while protecting the safety of Wisconsin's public. This sensible reform legislation will help make government operate more effectively and efficiently, and result in increased accountability to Wisconsin taxpayers.

Specifically, SB 751 does the following:

- Modifies certain membership requirements for the following three attached credentialing boards:
 - a) Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board;
 - b) Board of Nursing; and c) Real Estate Appraisers Board.
 - Provides greater flexibility for making board appointments, by removing certain designations of member types that represent such a small percentage of the total number of individuals credentialed in that profession.
 - Allows the consideration of a larger, more diverse pool of qualified candidates for appointment to these boards.
- Repeals a quorum requirement for the Real Estate Appraisers Board that certain types of members be present.
 - Removes an artificial barrier to conducting business, while retaining other existing quorum requirements to ensure transparency and public accountability.
- Repeals a specific requirement for an individual to qualify as a public member to serve on the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board.
 - The existing requirement is unnecessary and represents a barrier for members of the public interested in serving on the board.

- Eliminates the requirement for DSPPS, or the political subdivision in which building plans are filed, to provide notice to both the structure owner and the person who submitted the plans of a request to inspect or copy building plans.
 - This provision is redundant and conflicts with Wisconsin Open Records Law.
- Provides that a mining inspector employed by DSPPS must have experience in mining or be a graduate of a recognized college with a degree of mining engineering.
 - Current law allows DSPPS to employ non-graduate inspectors only if they have at least 10 years of experience, which has made the hiring process that more difficult to complete.
- Eliminates the requirement that DSPPS publish an annual list of retailers licensed by DSPPS to distribute liquefied petroleum gas.
 - The contents of this list are available upon request, rendering the publication requirement unnecessary.
- Changes the frequency that DSPPS must issue written determinations on whether a political subdivision's program for erosion control on construction sites for one- and two-family dwellings complies with state standards, from once every 3 years to once every 5 years.
- Eliminates an unnecessary requirement that certain Cemetery Board statements be notarized.
- Changes the renewal date for physician assistants from March 1 of each odd-numbered year to March 1 of each even-numbered year.
 - Aligns the renewal year with other health-related professions and the actual year currently being enforced.
- Removes a \$50 civil penalty, which is currently not being assessed, for persons failing to comply with the requirement that an applicant, who changes his or her name or address, notify DSPPS in writing of their new name or address within 30 days of the change.
- Makes technical changes in the nursing practice law, including which individuals must complete the nursing workforce survey.
 - The Wisconsin Department of Workforce Development (DWD) has a workforce survey only for licensed practical nurses (LPNs) and registered nurses (RNs). RNs that also hold an advanced practice nurse prescriber (APNP) certificate are already surveyed during their RN renewal.
- Changes the time by which licensed physicians, perfusionists and anesthesiologists must submit proof of the required continuing education (CE) for registration with the Medical Examining Board.
 - This change requires proof of CE completion to be submitted at the time of renewal, which is consistent with other professions requiring CE.
- Removes the requirement that the Examining Board of Professional Geologists, Hydrologists and Soil Scientists conduct or arrange licensure examinations semiannually.
 - The board currently does not conduct or arrange for examinations, as these professionals take a national examination.

If you have any questions, please contact me at (608) 267-9794.