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TO: Senate Committee on Licensing, Constitution and Federalism
FROM: Senator Rob Stafsholt
DATE: May 25, 2023
SUBJECT: Testimony in Favor of Senate Bills 189, 190, 192, 193 & 194

Thank you, Chairman Jacque and members of the Senate Committee on Licensing, Constitution and Federalism, for allowing me to testify in favor of Senate Bills 189, 190, 192, 193 and 194.

Over the last couple of years, I have heard from many frustrated constituents that are dealing with unnecessary delays, confusion and lack of communication while attempting to get an occupational license from the Department of Safety and Professional Services (DSPS). These unnecessary delays cause individuals to have to postpone starting their careers or stops them from entering the workforce. Wisconsin businesses are struggling to find qualified workers so we need to ensure our licensure process is streamlined and functions efficiently. We cannot afford to fall behind other states in attracting skilled individuals to live and work in our state.

In response, leadership created the Legislative Council Study Committee on Occupational Licenses, and I was honored to be appointed as Chair. The study committee was created with the goal of finding solutions so current and future license holders can be licensed in a timely manner. In other words, we were tasked with finding long-term solutions that will fix the problems plaguing DSPS. The committee was made up of two Republican and two Democratic legislators as well as five members of the public.

Through our conversations with licensed professionals, research and policy groups, and the Department of Safety and Professional Services, our study committee focused our bill recommendations on three primary issue areas: data tracking, workload simplification, and reciprocal credentialing.

Senate Bill 189 and 190 fall under the area of data tracking. The committee felt it was important to have a better handle on the numbers. The committee recommended both bills for introduction: Senate Bill 189, which requires DSPS to include credential processing data in the report it submits to the Legislature every two years; and Senate Bill 190, which requires DSPS to update processing time information on its website every month, so that a person submitting a credential application can anticipate the time for processing. These both require some basic information, such as the number of applications submitted and the median amount of time it's taking to process the applications.

For the second issue, the study committee looked at ways it could help DSPS and applicants have a simpler process, while maintaining integrity in the review of applications. Bills that fall in this issue area include:

- Senate Bill 192, which clarifies that it is the applicant's responsibility to submit all renewal materials before the renewal date and also clarifies that if a complete renewal application is submitted by that date a person's license remains active and in effect.
- Senate Bill 193, which changes the renewal periods from two years to four years.

For the third issue area of reciprocal credentialing, the study committee recommend Senate Bill 194, which expands 2021 Wisconsin Act 10 to allow people in all business and health professions who are licensed in good standing in another state to work in Wisconsin under a preliminary credential while approval of the permanent credential is pending.

Study committee members broadly supported all of these bills and recommended them for introduction. We felt like these bills would improve processes and oversight. Thank you for your support of these bills and feel free to reach out with any questions.



SHAE SORTWELL

STATE REPRESENTATIVE • 2nd ASSEMBLY DISTRICT

Hearing Testimony
Senate Committee on Licensing, Constitution, and Federalism
May 25, 2023
Senate Bills 189, 190, 192, 193, and 194

Chairman Jacque and members of the Senate Committee on Licensing, Constitution, and Federalism – Thank you for giving me the opportunity to testify on five bills that stemmed from the Study Committee on Occupational Licenses.

The study committee focused its bill recommendations on three issue areas to address the professional licensure backlog at the Department of Safety and Professional Services: data tracking, workload simplification, and reciprocal credentialing.

Senate Bills 189 and 190 fall under the category of data tracking. SB 189 would require DSPS to supply licensing data in a biennial report that my office has been requesting and still has not received for more than two years. Transparency on processing times is integral to solving any issues that are plaguing the department. SB 190 would require the department to publish the same data on their website, which would be helpful for the public, notably prospective licensees.

Senate Bills 192 and 193 fall under the category of workload simplification. SB 192 would allow licensed professionals to continue working within the scope of their license once they submit their renewal application rather than wait for the department to approve it. This will create less need and urgency to process these applications in order to focus time on other areas. SB 193 would extend renewal times from two to four years instead, which would decrease the workload of the department every year.

Senate Bill 194 applies to reciprocal credentialing. This legislation would expand 2021 Wisconsin Act 10 from most healthcare providers to also include business professions and other healthcare professionals, meaning the department would be required to grant a preliminary credential to these licensed professionals in another state that applied for a permanent credential in Wisconsin.

All of these bills received bipartisan support in the study committee and Joint Legislative Council. It is my hope that they receive the same treatment in this committee and in the full Senate.

I appreciate the opportunity to testify on this legislation and would gladly answer any questions the committee may have.



May 25, 2023

TO: Senate Committee on Licensing, Constitution and Federalism

FROM: Mike Tierney, Legislative Liaison, Department of Safety and Professional Services

RE: Senate Bill 193 -- Renewal dates and continuing education requirements for certain credentials issued by the Department of Safety and Professional Services and credentialing boards

Good afternoon,

Thank you for the opportunity to submit this testimony on Senate Bill 193.

The Department of Safety and Professional Services appreciates the work that members of the Study Committee put into this legislation. A four-year renewal cycle would present opportunities for efficiencies for the department and for credential holders. However, it also could present opportunity for abuse that would threaten public safety. It is possible, though, that some risks could be mitigated with certain measures that would increase compliance and ensure the safety of Wisconsinites.

Under current law, a person who is convicted of a crime is supposed to report that to the department in a couple of days. That does not always occur. Convictions often come to light when the person renews their credential. As part of the renewal process, they are required to complete a legal attestation as to whether they have had convictions. People are motivated to report convictions, even if the underlying conviction might not prevent full renewal, because the filing of a false attestation with the department and board could itself lead to discipline.

Absent an investment in staffing and technology to provide the department with the tools to verify conviction status on a more frequent basis, the concern is that credentialed individuals who have serious issues would continue to work for, quite possibly, years before arrests and convictions were revealed. Timely knowledge of these issues enables the department or respective boards to intervene and put appropriate monitoring or license limitations in place that allow the individual to continue to work while receiving the assistance they need and, most importantly, at the same time significantly reduce or eliminate their ability to cause harm in their professional capacity.

During the renewal process, credential holders in the majority of professions are also required to attest to having completed required continuing education. Continuing education requirements exist to ensure that licensed professionals maintain knowledge of current issues and standards. We have heard anecdotally that many credential holders complete their required continuing education in the last six months prior to renewal. So in a four-year renewal cycle, individuals might be practicing for years without completing critical updates to their skills and knowledge. This could pose safety risks to those who rely on these professionals for services.

To ensure safe practice in an environment with a four-year renewal cycle, it would be especially beneficial for the department to have proactive tools to ensure continuing education compliance. We are



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TO: Senate Committee on Licensing, Constitution and Federalism

FROM: Ann Zenk, SVP Workforce & Clinical Practice
Jon Hoelter, VP Federal and State Relations

DATE: May 25, 2023

RE: WHA Testimony in Support of SB 158, SB 193, and SB 194: Legislation to Improve Licensure Process for Health Care Professionals

Chair Jacque, and members of the Committee on Licensing, Constitution and Federalism, thank you for holding a hearing on SB 158, relating to: preliminary health care credentials granted to previously unlicensed individuals; SB 193, relating to: renewal dates and continuing education requirements for certain credentials issued by the Department of Safety and Professional Services and credentialing boards; and SB 194, relating to: practice of certain professions by credential holders from other states. The Wisconsin Hospital Association represents more than 135 hospitals and integrated health systems across the state, from small, rural, Critical Access Hospitals to large, urban academic medical centers, and everything in between.

While our members may differ greatly in the size of the community they serve, one consistent challenge they all face is how to meet the ever-increasing demand for health care services in an environment where every sector is experiencing a workforce shortage. As the baby boom generation ages, the number of available workers in Wisconsin and across the nation is shrinking for all industries, but for health care, an aging population also means an increase in health care demand.

While staffing at hospitals continues to rise, it is not keeping pace with demand as approximately 10,000 positions remain vacant in Wisconsin hospitals across the state. In fact, vacancy rates increased for all 17 health care positions that we track – and nearly doubled overall from 5.3% in 2020 to 9.9% in 2021. Even worse, demographics are working against health care, as the highest utilizers of health care are those aged 65 and older who are also retiring from the healthcare workforce. It will be seven years from now when the last baby boomers turn 65, and the 'Silver Tsunami' of retirements will begin to recede, but the impact of increased demand on the healthcare workforce will persist for another decade or more; we have yet to experience the full impact of the baby boom generation on the demand for health care and, thus, our health care workforce.

Fortunately, we have had great partners in the Wisconsin Legislature and the Evers Administration. When faced with long backlogs in licensure for out-of-state health care workers, largely stemming from challenges surrounding the COVID-19 pandemic, the legislature passed and Governor Evers signed 2021 Act 10. This legislation allowed health care professionals licensed and in good standing from another state to begin practicing immediately while they waited for DSPS to process their license.

I'm proud to report that this legislation has been a tremendous success, helping us to recruit and staff up to better meet health care demand. Whereas we previously had hospitals report that they missed out on hiring a qualified health care professional because another state beat Wisconsin to the punch in issuing them a license, Wisconsin is now seen as a model for other states to emulate.

In fact, this legislation has worked so well that our hospitals began wondering if we could duplicate this innovative process for new graduates. As many of you know, there tends to be bi-annual licensure backlogs when new classes graduate both at the beginning of summer and end of the year. The Department of Safety and Professional Services (DSPS) has made efforts to alleviate these challenges under the Evers Administration, partly by implementing a new, and long overdue, electronic licensure system. Despite this forward-thinking measure, licensure backlogs still remain, especially when a high volume of applications arrive during graduation season. These backlogs could be greatly reduced by modeling a fast-track process for new graduates on the process already implement for Wisconsin 2021 Act 10.

SB 158 would do just that, by allowing new graduates of health care training programs that have passed their required national exam and cleared a criminal background check to begin practicing immediately if they have attested to completing everything required for licensure and also have an employer offer them a job. The employer would also have to provide an attestation that the prospective employee has met all requirements for licensure, to the best of their knowledge. New graduate licensure requirements --- graduation, passing a national licensure exam and a caregiver background check --- are components that health care employers already have processes in place to verify.

We are optimistic that this reform will greatly reduce the number of people contacting their legislators to gain DSPS's assistance with fast-tracking their applications – a process which currently requires DSPS's licensure staff to interrupt their normal workflow to divert attention to such applications. Additionally, it will reduce the time crunch DSPS staff find themselves in when a bolus of new graduates apply for licensure and need to obtain it quickly to meet hiring deadlines.

It is important to note that safeguards would remain in this process. DSPS would still be in charge of verifying that all the information applicants and third parties have submitted is accurate, and they would remain responsible for issuing them a permanent license once they deem an application to be complete. Health care employers would be responsible for attesting to the fact that they believe a new graduate is fit to practice. Fortunately, hospitals and health systems already undergo a rigorous credentialing process for new applicants prior to offering them a job, and partner the new employee with an experienced peer when they start working.

Like SB 158, SB 193 and SB 194 were ideas that originated in the Legislative Council Study Committee on Occupational Licensure. WHA was privileged to serve on this committee along with legislators and members of the public, and equally pleased to see the committee unanimously recommend SB 193 and SB 194 for introduction. SB 193 will safely extend renewal timeframes from 2 to 4 years to ease the renewal burden on providers while also giving DSPS the flexibility to determine when renewals will occur and better load-level the work of the department. DSPS will be able to look at the number of renewals and the complexity of the profession's renewal process, and divide the work to break down current bottlenecks.

SB 194 builds on the previously mentioned 2021 Act 10, which allowed health care practitioners licensed and in good standing from another state to begin practicing immediately while DSPS processes their full licensure application. WHA supports the provisions in SB 194 that correct the unintended exclusion of radiographers and other health care professions from being eligible for this streamlined process.

Thank you for the opportunity to speak in support of these important proposals. We urge you to support them so we can build on the positive, bipartisan reforms Governor Evers and the Legislature have already begun and help grow and sustain the workforce hospitals and health systems need to meet growing demand for care.



To: Senate Committee on Licensing, Constitution and Federalism

From: Cori Lamont, Senior Director of Legal and Public Affairs
Tom Larson, Executive Vice President

Date: May 24, 2023

RE: SB 193/AB 204: relating to renewal dates and continuing education requirements as it pertains to real estate and appraiser licenses

The WRA opposes modifying the renewal period for real estate licenses from two years to four years.

BACKGROUND

Wisconsin real estate licensees are not like any other profession licensed by the Wisconsin Department of Safety and Professional Services (DSPS), because real estate licensees have a limited capacity to practice law. This authority has been acknowledged and granted under statute Wis. Stat. § 452.40, as an exception under Supreme Court Rule Chapter 23 Unauthorized Practice of Law, and by the Wisconsin Supreme Court in *State ex rel. Reynolds v. Dinger* in 1961. Accordingly, real estate licensees are permitted, with established parameters in law, to draft real estate contracts on behalf of others in the single largest investment in an individual's lifetime.

Real estate is a dynamic industry requiring consumers to rely on real estate professionals to understand the ever-changing real estate market and the laws and forms surrounding the real estate transaction. Over the course of the last several years, we have seen major technological advancements, severe market changes like short supply and high demand, increased litigation, cyber criminals stealing hundreds of thousands of dollars a day from the real estate transaction and a global pandemic. The need for regular and consistent education has become imperative to the real estate practitioners and appraisers.

Real estate licensees are required to complete 18 hours of CE every two years. Currently, real estate licensees must complete 18 hours of continuing education (CE) every renewal biennium. Each biennium every licensee must show completion of the CE hours to maintain licensure. Because Wisconsin real estate licensees are required to use state-approved (WB) forms in practice, the forms are often the crux of the CE content to ensure that real estate licensees understand the forms and any changes to them. In the last three years, 11 WB forms were modified. Because of the changing market, the forms are modified regularly to accurately reflect recent law changes and current industry trends.

Due to the limited right to practice law, the regulation of Wisconsin real estate licensees is Wisconsin specific. Wisconsin real estate licensees must use WB forms by completing the blank lines, using additional provisions and addenda for the purpose of accomplishing the instruction of the party in a specific real estate transaction. When a WB form is not available, Wisconsin law provides specific direction as to the practice. Lastly, Wisconsin statute and

administrative code allows real estate licensees to provide general explanation of approved forms. Therefore, real estate licensees must keep abreast of the numerous law and form changes impacting the transaction, including forms. CE provides a consistent stream of information.

Appraisers are required to complete 28 hours of CE every two years. Wisconsin appraisers must complete 28 hours of approved CE which includes a 7-hour Uniform Standards of Professional Practice (USPAP) update course, required by federal law.

CONCERNS

While trade associations, like the WRA, communicate form and law changes to its members, not all real estate licensees and appraisers are REALTORS®. CE keeps all licensees informed of the many law and form changes impacting real estate. Accordingly, changing continuing education requirements raises the following concerns:

Being less educated about new changes to laws and forms will create greater risk for litigation for the real estate industry and consumers. To ensure a minimum level of competency, licensees in the real estate industry must be educated frequently and regularly as to state law and form changes affecting real estate.

Infrequent CE will likely result in an increase in DSPS consumer complaints. The WRA believes a direct correlation exists between the frequent and consistent training of real estate licensees and better consumer protection. Real estate licensees are one of the largest groups licensed by the DSPS and it is the opinion of the WRA that the two-year educational period explains a relatively low percentage of complaints considering the size of the profession. Without frequency of CE, licensees will be less informed as to legal, legislative and form changes affecting the industry and everyday practice and therefore will likely result in increased consumer complaints to the state agency.

More consumer complaints will increase investigation and enforcement costs for DSPS. Delaying CE to a four-year period will likely increase the work of the DSPS staff, the Real Estate Appraiser Board and REEB will leave licensees less informed of the legal and legislative changes, leading to more complaints at the DSPS.

Wisconsin is currently experiencing close to historic highs for real estate licenses and is not experiencing significant delays in application processing. Economic development concerns relating to licensure delays resulting in fewer people becoming licensed are not applicable to Wisconsin real estate license applicants. Further, the typical licensing process for a complete and noncontroversial real estate license applicant is between 7-10 business days, but often shorter.

RECOMMENDATION

To ensure that real estate licensees and appraisers remain informed of the legal, legislative and form changes surrounding the practice of real estate, we recommend creating an exemption for real estate licensees and appraisers from the four-year renewal thus maintaining the two-year renewal timeframe for appraisers and real estate licensees.

NASW WI TESTIMONY ON 2023 SENATE BILL 193 BEFORE THE SENATE COMMITTEE ON
LICENSING, CONSTITUTION AND FEDERALISM ON THURSDAY MAY 25, 2023

Senator Jacque and members of the Senate Committee on Licensing, Constitution and Federalism

I appreciate the opportunity to present testimony on Senate bill 193. I am speaking for information purposes at this time, but we will likely take a formal position on this bill later this week.

Social Workers in Wisconsin have been required to complete 30 hours of continuing education every two years since 2000. It is part of the ethical obligation of social workers and critical to their professional practice to keep up with the latest developments in the field to best serve clients. The two-year requirement for continuing education completion has worked well over the last 23 years. It is also overwhelmingly the standard for states nationwide. Currently out of the 50 states and the District of Columbia, 43 states require renewal every two years, four states require renewal every year, and four states require renewal every three years.

I have the following concerns about a change to four years. First, in my experience, many social workers procrastinate completing their 30 hours of continuing education. We always have a higher attendance in our continuing education programs at the end of the two-year period. If there was a four-year renewal period, you could have some people who would need to complete 60 hours of continuing education in a very short time, which could be extremely difficult to accomplish. Second, and even more importantly, it would be counter to the need for social workers to keep up with the latest developments in the field if they only had to renew their license and complete continuing education every four years.

Beyond the negative impact on social workers and their professional practice, I don't believe this legislation will do anything to help with licensing processing concerns at DSPS, which have improved greatly over the last year. After the bill came out, I contacted DSPS administrative staff and asked if they had requested the bill and whether they thought it would help them in their workload. The answer to both questions was no.

There are other bills and budgetary issues that can have an impact on improving licensing processing at DSPS. For our profession, the Social Work Compact and some version of a Universal Licensing Recognition bill would be a great help. In addition, as I have stated in a number of different hearings, the State Legislature needs to allow DSPS to hire the staff they need to serve the doubling of initial applications and increase in professions that they have experienced over the last five years. As you know DSPS has a \$47 million dollar surplus but has not been allowed to use this money to hire the staff they need for the greatly increased number of customers. Any other private business that had a doubling of customers would immediately hire the staff they needed to serve these customers.. I am hoping that the Joint Finance Committee and the State Legislature will provide DSPS with the position authority for the fiscal year starting July 1, 2023, to hire the staff they need.

I would be happy to answer any questions.

Marc Herstand, MSW CISW

Executive Director

National Association of Social Workers, Wisconsin Chapter



Wisconsin Society of Radiologic Technologists

May 19, 2023

Dear Chairperson Senator Jacque, Vice Chair Senator Bradley, and all members of the Senate Committee on Licensing, Constitution and Federalism.

Please accept this testimony for the hearing on Senate Bills 158, 193 and 194 from the Wisconsin Society of Radiologic Technologists. Thank you for this opportunity to offer input on this important legislation.

The Wisconsin Society of Radiologic Technologists (WSRT) is the professional organization of radiologic technologists in the state of Wisconsin, and an affiliate of the American Society of Radiologic Technologists. Radiologic Technologists are the gatekeepers of Standard of Care diagnostic imaging by providing optimum medical image quality for patients, at the lowest possible radiation exposure. The Wisconsin legislature recognized that there is a clear public health and safety benefit to licensing radiologic technologists by passing 2009 Wisconsin Act 106, enacted on February 4, 2010. Radiologic licensure ensures the trusting patient population of Wisconsin that the administration of diagnostic x-ray radiation is performed by qualified personnel in all health care settings.

The WSRT is in strong support of the provisions of SB 158. The WSRT has heard concerns over the past few years about delays in the issuance of licenses for new graduates of Wisconsin's radiography education programs. Wisconsin's system of hospital based and technical school radiography education programs graduate between 350-400 radiographers each year. Each of these graduates must pass a national test administered by the American Registry of Radiologic Technologists. The provisions of SB 158 provide a solution that allows the Department of Safety and Professional Services (DSPS) to issue these new graduates a provisional license while the DSPS processes the application for permanent licensure.

The WSRT also supports the provisions of SB 194 that address the provisional licensure of radiographers licensed in other states. Demands in the health care market over the past few years have led to health care providers hiring temporary radiographers to fill vacancies in radiology departments. Often radiographers from other licensed states fill these vacancies, and delays in licensing affect the current understaffed radiology departments, as well as the timeliness of patient care. Allowing licensed radiographers from other states to work with a provisional license, like with the new graduates addressed in SB 158, would provide a working solution for delays that might have otherwise caused the temporary radiographers to pass on an assignment in Wisconsin for one in another state.

The WSRT appreciates that both SB 158 and SB 194 uphold the principles of the Chapter 462, created by the licensure law, and ensures that properly vetted personnel are employed in the field. Health care employers in Wisconsin would be very pleased to see the provisions of both bills enacted to enable qualified personnel to provide care while waiting for permanent licensure.

WSRT also adds support for SB 193, changing the renewal period for licenses from the current two years to four years. Extending the renewal period from two years to four years while doubling the continuing education requirement will reduce the financial impact on license holders. This change is welcomed by many I have spoken with since becoming aware of the bill. The WSRT feels the impact of changing the frequency of renewal will have a positive impact on radiographers and their families, while not fundamentally changing our licensure requirement or negatively affecting patient care.

We thank this committee and the legislators who introduced and cosponsored this good-sense legislation for the promotion of quality and safe patient care in Wisconsin by credentialed and licensed individuals.

Respectfully submitted,

Daniel Vander Meulen B.A, R.T., (R)
WSRT Legislative Committee Chairperson
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May 24, 2023

TO: Assembly Committee on Regulatory Licensing Reform

FROM: Mike Tierney, Legislative Liaison, Department of Safety and Professional Services

RE: Assembly Bill 204 - Renewal dates and continuing education requirements for certain credentials issued by the Department of Safety and Professional Services and credentialing boards

Good afternoon,

Thank you for the opportunity to submit this testimony on Assembly Bill 204.

The Department of Safety and Professional Services appreciates the work that members of the Study Committee put into this legislation. A four-year renewal cycle would present opportunities for efficiencies for the department and for credential holders. However, it also could present opportunity for abuse that would threaten public safety. It is possible, though, that some risks could be mitigated with certain measures that would increase compliance and ensure the safety of Wisconsinites.

Under current law, a person who is convicted of a crime is supposed to report that to the department in a couple of days. That does not always occur. Convictions often come to light when the person renews their credential. As part of the renewal process, they are required to complete a legal attestation as to whether they have had convictions. People are motivated to report convictions, even if the underlying conviction might not prevent full renewal, because the filing of a false attestation with the department and board could itself lead to discipline.

Absent an investment in staffing and technology to provide the department with the tools to verify conviction status on a more frequent basis, the concern is that credentialed individuals who have serious issues would continue to work for, quite possibly, years before arrests and convictions were revealed. Timely knowledge of these issues enables the department or respective boards to intervene and put appropriate monitoring or license limitations in place that allow the individual to continue to work while receiving the assistance they need and, most importantly, at the same time significantly reduce or eliminate their ability to cause harm in their professional capacity.

During the renewal process, credential holders in the majority of professions are also required to attest to having completed required continuing education. Continuing education requirements exist to ensure that licensed professionals maintain knowledge of current issues and standards. We have heard anecdotally that many credential holders complete their required continuing education in the last six months prior to renewal. So in a four-year renewal cycle, individuals might be practicing for years without completing critical updates to their skills and knowledge. This could pose safety risks to those who rely on these professionals for services.

To ensure safe practice in an environment with a four-year renewal cycle, it would be especially beneficial for the department to have proactive tools to ensure continuing education compliance. We are

happy to work with the authors on developing what those tools could look like to ensure we avoid unintended consequences of the bill.

Again, increased flexibilities for the Department would greatly offset the risks of expanding the renewal cycle from two to four years.

An additional flexibility that would add even greater benefit would be to establish renewal dates in administrative rule rather than in statute, as required by this bill. This approach, which the Governor proposed in his budget, would position the Department to better manage workflows and ensure a consistent level of service for all applicants and credential holders. The Department and regulatory boards could together consider renewal dates in the context of other renewals that would occur at or near the same time. This flexibility would enable regulatory boards to work with the department to balance the renewal workload across the calendar and would help avoid large workload peaks and valleys for staff as new credentials are created and as other occupations fluctuate in size due to changing interest and opportunity.

Again, the Department recognizes the potential benefit of extending the renewal cycle from two to four years. With the right considerations, tools, and flexibilities, the Department could continue to maintain safe practice, protect the public, and deter noncompliance with requirements designed expressly to promote safety.

Thank you for your consideration of these concerns as you review this legislation.