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# Wisconsin Legislative Council

## MINUTES

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### STUDY COMMITTEE ON OCCUPATIONAL LICENSES

411 South, State Capitol  
Madison, WI  
December 13, 2022  
10:00 a.m. – 11:40 a.m.

#### CALL TO ORDER AND ROLL CALL

Chair Stafsholt called the meeting to order and determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Sen. Rob Stafsholt, Chair; Rep. Shae Sortwell, Vice Chair; Sen. Janis Ringhand; Rep. Supreme Moore Omokunde; and Public Members Monica Johnson, Stanley Johnson, Jessica Ollenburg, Albert Walker, and Ann Zenk.

COUNCIL STAFF PRESENT: Margit Kelley, Principal Attorney.

**ATTENTION:** This was the final meeting of the Study Committee on Occupational Licenses. Committee members are requested to send any corrections regarding minutes to the Legislative Council staff. After the incorporation of any corrections, these minutes will be considered approved by the committee.

#### APPROVAL OF THE MINUTES OF THE NOVEMBER 15, 2022 MEETING

*Representative Sortwell moved to approve the minutes from the November 15, 2022, meeting of the committee. The motion was seconded by Senator Ringhand and approved by unanimous consent.*

#### DISCUSSION OF PRELIMINARY BILL DRAFTS AND COMMITTEE ASSIGNMENT

##### LRB-0450/P3 Regarding Four-Year Renewal Periods

Ms. Kelley summarized draft LRB-0450/P3. Questions from committee members focused on how the draft affects renewal fees and continuing education requirements. Committee members discussed other options to address continuing education requirements, such as transferring the monitoring of continuing education from the Department of Safety and Professional Services (DSPS) and the credentialing boards to professional associations, or specifying that current continuing education requirements must be earned in each two-year period but be reported with the four-year renewal application. Chair Stafsholt noted that the draft could be amended after introduction, during the standing committee review process, to revise the draft's treatment of continuing education requirements, and that members could vote to recommend the concept of lengthening the current two-year renewal periods to four-year renewal periods.

One member commented on the possible further delay that may occur in individuals reporting address changes and legal issues that may affect licensure status. Members noted that other efforts, such as a reminder of those requirements to credential holders at certain intervals, and ongoing performance evaluations by employers, may be more effective in helping individuals report those changes than shortening the renewal period. One member also asked if there has been positive feedback on lengthening the current two-year renewal periods to four-year renewal periods, and some members responded that feedback from individuals and employers has been positive, with questions only on the impact on continuing education requirements. Ms. Kelley noted that most of the trades occupations currently use four-year renewal periods.

*Ms. Zenk moved, seconded by Ms. Johnson, to recommend introduction of LRB-0450/P3. The motion was approved on a vote of Ayes, 9 (Sens. Stafsholt and Ringhand; Reps. Sortwell and Moore Omokunde; and Public Members M. Johnson, S. Johnson, Ollenburg, Walker, and Zenk); and Noes, 0.*

### **LRB-0364/P3 Regarding Automatic Renewal**

Ms. Kelley summarized draft LRB-0364/P3. One member asked what it meant for a submission to be “complete,” and whether that includes receipt of requested follow-up information. Ms. Kelley stated that if all required application materials are submitted, an application would be considered complete even if follow-up information is requested, but noted that the status of whether an individual’s application is “complete” would be determined by DSPS. Other comments focused on the need for credential holders to submit a timely renewal application, and the improvements that may be expected in both renewal reminders and processing times through the new LicensE application system.

Some members also commented on how employers and insurance coverage may be impacted if a credential holder’s renewal status is uncertain, and noted that the draft seems to align with current practice by DSPS to show a renewed credential as “active.” Ms. Kelley confirmed that the draft aligns with what is already occurring and is already required under a general section of the statutes, and only clarifies the applicability of a credential’s continuation under the DSPS credentialing provisions.

*Ms. Ollenburg moved, seconded by Representative Sortwell, to recommend introduction of LRB-0364/P3. The motion was approved on a vote of Ayes, 9 (Sens. Stafsholt and Ringhand; Reps. Sortwell and Moore Omokunde; and Public Members M. Johnson, S. Johnson, Ollenburg, Walker, and Zenk); and Noes, 0.*

### **LRB-0363/P5 Regarding Legal Review of an Arrest or Conviction Record**

Ms. Kelley summarized draft LRB-0363/P5. One member expressed concern that the circumstances of an arrest or conviction record that are substantially related to the circumstances of a licensed activity may be missed, if not reviewed as authorized under the draft. Other members expressed support for the discretion granted to DSPS and the credentialing boards to determine if an offense identified in the draft is relevant to that analysis in each case, and expressed support for the part of the draft that could reduce duplication of efforts in performing that review.

*Representative Sortwell moved, seconded by Ms. Johnson, to recommend introduction of LRB-0363/P5. The motion was approved on a vote of Ayes, 8 (Sen. Stafsholt; Reps. Sortwell and Moore Omokunde; and Public Members M. Johnson, S. Johnson, Ollenburg, Walker, and Zenk); and Noes, 1 (Sen. Ringhand).*

### **LRB-0462/P3 Regarding Posting of Reciprocal Credential Standards**

Ms. Kelley summarized draft LRB-0462/P3. Some members expressed concern that the requirement in the draft will take a lot of work. Others agreed that it may be labor intensive, but noted that the process in the draft should provide better efficiency than the current ad-hoc review system, would help applicants be better informed, and that any needed additional staff may be requested through the budget process. Members also noted that full utilization of the LicenseE application system should alleviate some staff workload. A number of members commented that a longer period than two years between reviews could help address workload while maintaining fairly good reliability.

*Representative Sortwell moved, seconded by Ms. Ollenburg, to recommend introduction of LRB-0462/P3, with a change in the frequency of the required review from at least every two years to at least every four years. The motion was approved on a vote of Ayes, 7 (Sens. Stafsholt and Ringhand; Rep. Sortwell; and Public Members M. Johnson, Ollenburg, Walker, and Zenk); and Noes, 2 (Rep. Moore Omokunde; and Public Member S. Johnson).*

### **LRB-0401/P3 Regarding a Preliminary Credential for Out-of-State Applicants**

Ms. Kelley summarized draft LRB-0401/P3. In response to a question from Chair Stafsholt, Ms. Kelley noted that a person with a preliminary credential under the draft has the same full rights and responsibilities as a person with the corresponding credential. Other comments focused on the differences with a privilege to practice under an interstate compact, including insurance coverage for services provided by a person under a compact versus under a preliminary credential.

*Mr. Johnson moved, seconded by Representative Moore Omokunde, to recommend introduction of LRB-0401/P3. The motion was approved on a vote of Ayes, 9 (Sens. Stafsholt and Ringhand; Reps. Sortwell and Moore Omokunde; and Public Members M. Johnson, S. Johnson, Ollenburg, Walker, and Zenk); and Noes, 0.*

### **LRB-0367/P4 Regarding a Preliminary Credential for New Graduates**

Ms. Kelley summarized draft LRB-0367/P4. Some members expressed concerns about the attestation process, including whether a self-employed person could submit an attestation under the draft as both an employee and employer, and noted that a new graduate is in a different position from a person who has already been vetted and credentialed by another state. Members considered various options such as excluding self-employed individuals, including only larger employers, requiring an additional authentication, or specifying that willful falsification of an attestation would disqualify a person from the corresponding credential.

Members generally expressed support for the concept in the draft, to assist new graduates to begin working in their fields, when an employer has already reviewed their qualifications. However, because of the number of questions, Chair Stafsholt stated that the committee would not vote on the draft. He noted that legislators could take up the draft in the next legislative session with some work on the questions.

### **LRB-0838/P1 Regarding the Audiology and Speech-Language Pathology Interstate Compact**

Ms. Kelley summarized draft LRB-0838/P1 and noted that 23 states are currently members of the Audiology and Speech-Language Pathology Interstate Compact. In response to a question on support for the draft, Ms. Kelley stated that the Wisconsin Speech-Language Pathology and Audiology Association had submitted written testimony in support.

*Representative Sortwell moved, seconded by Chair Stafsholt, to recommend introduction of LRB-0838/P1. The motion was approved on a vote of Ayes, 9 (Sens. Stafsholt and Ringhand; Reps. Sortwell and Moore Omokunde; and Public Members M. Johnson, S. Johnson, Ollenburg, Walker, and Zenk); and Noes, 0.*

### **LRB-0837/P1 Regarding the Counseling Compact**

Ms. Kelley summarized draft LRB-0837/P1 and noted that 17 states are currently members of the Counseling Compact. Members did not express comments or concerns with the draft.

*Representative Sortwell moved, seconded by Ms. Johnson, to recommend introduction of LRB-0837/P1. The motion was approved on a vote of Ayes, 9 (Sens. Stafsholt and Ringhand; Reps. Sortwell and Moore Omokunde; and Public Members M. Johnson, S. Johnson, Ollenburg, Walker, and Zenk); and Noes, 0.*

### **LRB-0365/P3 Regarding Data in the Biennial Report**

Ms. Kelley summarized draft LRB-0365/P3. Some members commented that this draft should be a priority. Others commented that staffing may be needed to write the programming and prepare the data analyses, but noted that staffing authorization could be requested through the budget process. Members generally expressed a desire to be as specific as possible in identifying the metrics that should be measured, and suggested adding consistency throughout the metrics to apply to each profession individually, to apply to reciprocal credentials, and to identify the range from which median application processing dates are determined.

*Senator Ringhand moved, seconded by Representative Sortwell, to recommend introduction of LRB-0365/P3, with the following changes: (1) specify that in addition to reporting the median number of days to process an application, the report must identify the lowest and highest numbers of days to process an application; (2) specify that, where not already required for each profession, the information should also be required for each profession individually, in addition to the aggregate already required; and (3) specify that each piece of information is required, separately, for initial applications, renewal applications, and reciprocal credential applications. The motion was approved on a vote of Ayes, 8 (Sens. Stafsholt and Ringhand; Rep. Sortwell; and Public Members M. Johnson, S. Johnson, Ollenburg, Walker, and Zenk); and Noes, 1 (Rep. Moore Omokunde).*

### **LRB-0467/P3 Regarding Monthly Report on Website for Processing Times**

Ms. Kelley summarized draft LRB-0467/P3. Members noted that this draft is different from the biennial reporting draft, and instead provides a monthly snapshot of processing times for each profession in order to assist applicants and employers in gauging the application process. A member suggested adding consistency to also apply the metrics to reciprocal credentials, and other members suggested better defining the “submission” point that is used to measure processing times.

*Chair Stafsholt moved, seconded by Representative Sortwell, to recommend introduction of LRB-0467/P3, with the following changes: (1) specify that each data point that applies to initial applications and renewal applications also applies to reciprocal credential applications; and (2) define “submission” to specify that the number of days begins from the date that the fee was submitted. The motion was approved on a vote of Ayes, 9 (Sens.*

*Stafsholt and Ringhand; Reps. Sortwell and Moore Omokunde; and Public Members M. Johnson, S. Johnson, Ollenburg, Walker, and Zenk); and Noes, O.*

### **LRB-0366/P4 Regarding an Application Processing Deadline**

Ms. Kelley summarized draft LRB-0366/P4. Comments from members focused on the fact that delay could be caused by third parties, outside the control of DSPS or an applicant, or by an applicant who may not respond to requests for further information. Members also discussed the possible effects of reaching the deadline in the draft before all application materials are complete, including inappropriately issuing a credential, or inappropriately denying a credential. Some members commented that a 45-day timeline, or even a 60-day timeline may be reasonable, but that it may be difficult to account for information that is still pending at the end of that period. One member suggested that as an alternative to requiring a determination when reaching the deadline, DSPS could send a reminder or notice to applicants when reaching that date to identify why the application is pending and what information may be missing.

Because of the number of questions, Chair Stafsholt stated that the committee would not vote on the draft.

### **LRB-0465/P3 Regarding Universal Licensure Recognition**

Ms. Kelley summarized draft LRB-0465/P3. Some members voiced support for the concept of universal licensure recognition, but stated they would prefer a more streamlined recognition process when a person has already been reviewed and credentialed by another state. Other members voiced concerns about the draft, and stated they would prefer for Wisconsin to maintain the integrity of its own credentialing standards. Members also discussed the differences with draft LRB-0401/P3, which provides only a preliminary credential without changing any standards for credentialing, compared to this draft, which provides a standardized recognition process and approval criteria. A member noted that if a person is practicing in this state under the draft, the person is accountable to state regulations for the profession.

In response to a question about the requirement to have practiced for at least three of the five years prior to submitting an application, Ms. Kelley stated that some states that have universal licensure recognition, but not all, required some years in practice. Ms. Kelley noted that when required, the requirements range from one to five years, and that the draft used three years as a midpoint and as a placeholder for discussion.

Because of the number of questions, Chair Stafsholt stated that the committee would not vote on the draft.

### **LRB-0470/P2 Regarding Sunrise Review and LRB-0466/P2 Regarding Sunset Review**

Ms. Kelley summarized drafts LRB-0470/P2 and LRB-0466/P2. A number of members commented that they support the idea of reviewing the regulatory framework for proposed and existing credentials, but were concerned that even a neutral, third-party review process would be open to political and industry pressures and would only create “busywork” without noticeable changes in the system. Some members did not support the drafts, and stated that credentials already have oversight through the legislative process and the drafts would not alleviate the pressures from industry or the balance between the legislative and executive branch.

Because of the number of questions, Chair Stafsholt stated that the committee would not vote on the drafts.

## **PLANS FOR FUTURE MEETINGS**

Chair Stafsholt stated that this was the final meeting of the committee, and noted that Legislative Council staff will send a mail ballot for members to confirm the final versions of the three bill drafts that were approved with changes. Chair Stafsholt also thanked members for their time and commitment to the study committee process, and stated his appreciation that everyone was engaged and active in the discussions. Members also thanked Senator Ringhand for her service to the state and congratulated her on her retirement.

## **ADJOURNMENT**

The committee adjourned at 11:40 a.m.

MSK:ksm