



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0366/P4
MED:emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to repeal** 440.03 (1m); **to renumber** 440.03 (13) (a) 1.; **to renumber and**
2 **amend** 440.03 (13) (a) 2., 440.03 (13) (e) and 440.035 (1r); **to amend** 101.022
3 and 440.035 (1m) (intro.); and **to create** 440.078 and 440.078 (2) (c) of the
4 statutes; **relating to:** procedures and deadlines for the issuance of initial
5 credentials by the Department of Safety and Professional Services and
6 attached credentialing boards.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Study Committee on Occupational Licenses.

For a credential administered by the Department of Safety and Professional Services (DPS), the bill requires DPS to approve, approve with limitations, or deny an application, within 45 calendar days after the application is initiated.

For a credential granted by a credentialing board, the bill likewise requires a credentialing board to make a final determination within 45 calendar days after the application is initiated. The bill requires DSPS to take certain actions on behalf of a board, as authorized under current law, within 31 calendar days after the application is initiated. Those actions include forwarding an application, the results of DSPS's investigation into the applicant's eligibility, and DSPS's recommendation to approve the application, deny the application, or conduct further review.

The bill specifies that if an investigation into an applicant's eligibility for a credential is not complete at the end of the 45 calendar days, DSPS or a credentialing board must make a determination on the application based upon the information on hand.

1 **SECTION 1.** 101.022 of the statutes is amended to read:

2 **101.022 Certain laws applicable to occupational licenses.** Sections
3 440.03 (1), (3m), (4), (11m), and (13) (a), (am), and (b) 75., 440.05 (1) (a) and (2) (b),
4 440.075, 440.078 (1), 440.09 (2), 440.11, 440.12, 440.121, 440.13, 440.14, 440.15,
5 440.19, 440.20 (1), (3), (4) (a), and (5) (a), 440.205, 440.21, and 440.22, and the
6 requirements imposed on the department under those statutes, apply to
7 occupational licenses, as defined in s. 101.02 (1) (a) 2., in the same manner as those
8 statutes apply to credentials, as defined in s. 440.01 (2) (a).

9 **SECTION 2.** 440.03 (1m) of the statutes is repealed.

10 **SECTION 3.** 440.03 (13) (a) 1. of the statutes is renumbered 440.03 (13) (a).

11 **SECTION 4.** 440.03 (13) (a) 2. of the statutes is renumbered 440.078 (2) (a) 1.,
12 and 440.078 (2) (a) 1. (intro.) and a., as renumbered, are amended to read:

13 440.078 (2) (a) 1. (intro.) ~~Once an application is considered complete following~~
14 ~~an investigation as provided in subd. 1., the~~ The department shall, for a credential
15 that is granted by a credentialing board, do one of the following within 31 calendar
16 days after the date an initial application for the credential is initiated:

17 a. Forward the application to the credentialing board or the credentialing
18 board's designee with the results of the department's investigation, including the
19 department's determination as to whether the application is complete within the
20 meaning of s. 440.03 (13) (a), and a recommendation on whether to approve the

1 application, approve the application with limitations, deny the application, or
2 conduct further review. If the department forwards an application under this subd.
3 ~~2.~~ 1. a., does not recommend further review of the application, and recommends that
4 the application be approved or approved with limitations, the department shall
5 notify the credentialing board or credentialing board's designee of the date on which
6 the application is forwarded and the date on which the application would be
7 considered approved under ~~s. 440.035 (1r) par. (b)~~ unless anything specified in ~~s.~~
8 ~~440.035 (1r) (a) to (d) par. (b) 1. to 4.~~ occurs prior to that date.

9 **SECTION 5.** 440.03 (13) (e) of the statutes is renumbered 440.078 (2) (a) 2. and
10 amended to read:

11 440.078 (2) (a) 2. After the department submits under ~~par. (a) 2. a. a completed~~
12 subd. 1. a. an application for a credential to a credentialing board or the designee of
13 the credentialing board, for which the department recommends approval or approval
14 with limitations and does not recommend any further review by the credentialing
15 board or the credentialing board's designee, the department may notify the applicant
16 that, unless anything specified in ~~s. 440.035 (1r) (a) to (d) par. (b) 1. to 4.~~ occurs prior
17 to that date, the application will be considered to have been approved by the
18 credentialing board in accordance with the department's recommendation on the
19 10th business day following the date of submission and the credential will be issued
20 no later than the 10th business day following that date.

21 **SECTION 6.** 440.035 (1m) (intro.) of the statutes is amended to read:

22 440.035 (1m) (intro.) Subject to ~~subs. sub. (1p) and (1r) s. 440.078,~~ each
23 credentialing board shall:

24 **SECTION 7.** 440.035 (1r) of the statutes is renumbered 440.078 (2) (b), and
25 440.078 (2) (b) (intro.) and 2., as renumbered, are amended to read:

1 440.078 (2) (b) (intro.) Notwithstanding chs. 440 and to 480, after the
2 department submits a ~~completed~~ an application for a credential to a credentialing
3 board or the designee of the credentialing board under ~~s. 440.03 (13) (a) 2. a. par. (a)~~
4 1. a. for which the department recommends approval or approval with limitations
5 and does not recommend further review by the credentialing board or the
6 credentialing board's designee, the application shall be considered to have been
7 approved by the credentialing board in accordance with the department's
8 recommendation on the 10th business day following the date of submission, unless
9 one of the following occurs prior to that date:

10 2. The credentialing board or the credentialing board's designee makes a
11 determination that additional time is required to make a determination on the
12 application, ~~not to exceed any deadline established by the department under s.~~
13 ~~440.03 (1m).~~

14 **SECTION 8.** 440.078 of the statutes is created to read:

15 **440.078 Initial credentials; procedures and deadlines.** (1) The
16 department shall, for a credential that is granted by the department, within 45
17 calendar days after the date an initial application for the credential is initiated,
18 make a decision to approve the application, approve the application with limitations,
19 or deny the application. If the application is not complete within the meaning of s.
20 440.03 (13) (a) at the end of that period, the department shall make a determination
21 on the application based upon the information on hand. The department shall notify
22 the applicant of the decision.

23 **SECTION 9.** 440.078 (2) (c) of the statutes is created to read:

24 440.078 (2) (c) A credentialing board or a credentialing board's designee shall,
25 in all cases under par. (b) 2., 3., or 4., make a final decision on an application for an

1 initial credential within 45 calendar days after the application is initiated. If the
2 application is not complete within the meaning of s. 440.03 (13) (a) at the end of that
3 period, the credentialing board or the credentialing board's designee shall make a
4 determination on the application based upon the information on hand.

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(END)