



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0367/P4
MED:cjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 440.08 (2) (a) (intro.); and *to create* 440.095 of the statutes;
2 **relating to:** preliminary credentials granted to previously unlicensed
3 individuals.

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 draft was prepared for the Joint Legislative Council's Study Committee on Occupational Licenses.

The bill requires the Department of Safety and Professional Services (DSPS) to grant a preliminary credential to a new graduate in the health or business professions who attests to meeting all of the requirements for the corresponding permanent or training credential. The bill provides the preliminary credential as a bridge, while an application for a permanent or training credential is pending.

A new graduate must apply for the preliminary credential and must attest in the application that the person satisfies all of the following:

- Has never previously held a credential in Wisconsin or another jurisdiction to provide the services.

- Has completed the required education, training, and supervised experience necessary for the corresponding permanent or training credential within the two years preceding the submission of the application.

- Has passed all examinations required to be eligible for the permanent or training credential, other than an interview or oral examination required for an individual by DSPS or a credentialing board in its discretion.

- Does not have an arrest or conviction record that would be the basis for DSPS or a credentialing board to deny the individual's application for the permanent or training credential.

- Meets any other requirements for the permanent or training credential.

- Has applied for the permanent or training credential.

- Is engaged by an employer to provide services for that employer within the scope of the permanent or training credential.

The employer must attest to having engaged the applicant to provide services within the scope of the permanent or training credential for the employer and that, to the best of the employer's knowledge and with a reasonable degree of certainty, the applicant satisfies the requirements for the preliminary credential.

While providing services under a preliminary credential, the person is subject to all responsibilities and limitations of the corresponding permanent or training credential. The preliminary credential takes effect on the date the employer submits its required attestation or on a later date specified by the employer in the attestation that the applicant will begin providing services. The preliminary credential expires on the date that the application for the permanent or training credential is granted or denied.

The bill does not apply to credentials for trades occupations, transportation network companies, peddlers, unarmed combat sports, and body art and tanning facilities, or to credentials issued by other agencies.

1 **SECTION 1.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

2 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.094, 440.095,
3 440.51, 442.04, 444.03, 444.11, 447.04 (2) (c) 2., 447.05 (1) (b), 449.17 (1m) (d), 449.18
4 (2) (e), 455.06 (1) (b), 463.10, 463.12, and 463.25 and subch. II of ch. 448, the renewal
5 dates for credentials are as follows:

6 **SECTION 2.** 440.095 of the statutes is created to read:

7 **440.095 Practice by previously unlicensed individuals. (1) DEFINITIONS.**

8 In this section:

9 (a) "Credential" has the meaning given in s. 440.01 (2) (a).

10 (b) "Services" means actions that are within the scope of practice that is defined
11 for a credential.

12 (c) "Training credential" means a credential that authorizes an individual to
13 provide some or all of the services that may be provided with a permanent credential

1 while the individual works to satisfy further education, training, supervised
2 experience, and similar requirements that must be satisfied in order to be granted
3 a permanent credential.

4 **(2) PRACTICE BY PREVIOUSLY UNLICENSED INDIVIDUALS.** (a) Notwithstanding chs.
5 440 to 480, an individual may provide for an employer services that are within the
6 scope of practice that is defined for the permanent or training credential described
7 in subd. 1. g., and the department shall grant the individual a preliminary credential
8 to practice under this section, if all of the following apply:

9 1. The individual applies to the department for a preliminary credential under
10 this section. The individual shall include in the application an attestation of all of
11 the following:

12 a. The individual does not hold and has never held a license, certificate, permit,
13 or similar form of authorization that allows the individual to perform those services
14 in another jurisdiction.

15 b. The individual, within the 2-year period preceding the application under
16 subd. 1. g., completed all education, training, supervised experience, and similar
17 requirements that must be completed in order to be eligible for the permanent or
18 training credential described in subd. 1. g.

19 c. The individual has passed all examinations required to be taken in order to
20 be eligible for the permanent or training credential described in subd. 1.g., other than
21 any interview or oral examination that may be required for the permanent
22 credential.

23 d. The individual does not have an arrest record or a conviction record, as those
24 terms are defined in s. 111.32, on the basis of which the department or credentialing
25 board, as applicable, would deny the individual's application under subd. 1. g. The

1 department may, in the application for a preliminary credential under this section,
2 provide a space for the individual to indicate if he or she has previously applied for
3 a determination under s. 111.335 (4) (f).

4 e. The individual, to the best of his or her knowledge, meets all of the
5 requirements, other than those specified in subd. 1. b. to d., for the permanent or
6 training credential described in subd. 1. g.

7 f. The individual has never held the credential for which he or she has applied
8 under subd. 1. g.

9 g. The individual has applied for a permanent or training credential granted
10 by the department or a credentialing board, as applicable, under chs. 440 to 480 that
11 corresponds to the preliminary credential for which he or she has applied under this
12 section.

13 h. The individual has been engaged by an employer to provide services for that
14 employer that are within the scope of practice that is defined for the permanent or
15 training credential described in subd. 1. g.

16 2. The employer of the individual described in subd. 1. h. attests to all of the
17 following to the department:

18 a. The employer has engaged the individual to provide services for the employer
19 as described in subd. 1. h.

20 b. To the best of the employer's knowledge and with a reasonable degree of
21 certainty, the individual satisfies the requirements under subd. 1. a. to f.

22 (b) An individual who practices within the scope of a preliminary credential
23 granted under this section has all rights and is subject to all responsibilities,
24 malpractice insurance requirements, limitations on scope of practice, and other

1 provisions that apply under chs. 440 to 480 to the practice under the permanent or
2 training credential described in par. (a) 1. g.

3 (c) 1. A preliminary credential granted under this section becomes effective on
4 the date the employer submits the attestation under par. (a) 2., or on a later date,
5 specified in the attestation, that the individual will begin providing services for the
6 employer.

7 2. A preliminary credential granted under this section expires on the date that
8 the department, or a credentialing board in the department, as applicable, grants or
9 denies the application under par. (a) 1. g. for a permanent or training credential
10 submitted by the individual.

11 (4) NONAPPLICABILITY. This section does not apply with respect to credentials
12 under subch. IV or V of ch. 440 or ch. 444 or 463.

13 (END)