
Wisconsin Legislative Council

STUDY COMMITTEE MEMO



Memo No. 5

TO: MEMBERS OF THE STUDY COMMITTEE ON OCCUPATIONAL LICENSES

FROM: Margit Kelley, Principal Attorney

RE: Preliminary Bill Draft Options for Committee Discussion

DATE: December 5, 2022

This memo describes preliminary bill drafts that Chair Stafsholt has requested for discussion purposes at the December 13, 2022, meeting of the Study Committee on Occupational Licenses. The bill drafts address topics discussed at the study committee's prior meetings.

The study committee may choose to revise the preliminary bill drafts, and may consider whether to recommend the proposals to the Joint Legislative Council for introduction in the 2023-24 legislative session.

LRB-0450/P3 REGARDING FOUR-YEAR RENEWAL PERIODS

Revisions to Prior Version

LRB-0450/P3, regarding four-year renewal periods, includes a prefatory note that summarizes its provisions, and makes no other changes to the /P2 version that was available at the committee's November 15, 2022, meeting.

Summary

Under current law, a two-year renewal period applies to many health and business credentials administered by the Department of Safety and Professional Services (DSPS) or a credentialing board. The renewal date for each two-year period is specified by statute. As part of a credential holder's renewal, some professions specify continuing education requirements by statute, while some professions may establish continuing education requirements by rule.

The bill draft revises each two-year renewal period in the health and business professions to four-year renewal periods. Where specified in the statutes, the bill draft doubles the corresponding credential's continuing education requirement.

The bill draft specifies that DSPS may, in cooperation with the credentialing boards, phase-in the new four-year renewal periods in a manner that allows one two-year renewal to occur after the law takes effect. DSPS may also stagger the renewal dates among credential holders so that approximately half of renewals within a profession occur every two years.

The bill draft specifies that if the four-year renewal period is in place before revised renewal fees are approved by the Joint Committee on Finance, DSPS may double the two-year renewal fee. The bill draft

also specifies the converse, that if a two-year renewal applies to an individual after a four-year renewal fee has been established, the individual is required to pay only one-half of the four-year renewal fee.

If DSPS implements measures to phase-in four-year renewal periods or to stagger renewal dates within a profession, the bill draft requires DSPS to do so by administrative rule. The bill draft also grants emergency rulemaking authority to DSPS and the credentialing boards to implement the provisions of the bill draft without making a finding of emergency, and allows an emergency rule to remain in effect until May 1, 2025, or the date on which the permanent rule takes effect, whichever is sooner. Lastly, the bill draft specifies that its provisions take effect on the first day of the third month following enactment.

LRB-0364/P3 REGARDING AUTOMATIC RENEWAL

Revisions to Prior Version

LRB-0364/P3, regarding automatic renewal, includes a prefatory note that summarizes its provisions. The draft is also revised from the /P2 version that was available at the committee's November 15, 2022, meeting to explicitly incorporate an existing provision for continuation of licensure upon renewal and remove an ambiguity in the status of a renewal application that is submitted by a profession's renewal date.

Summary

Under current law, a two-year renewal period applies to many health and business credentials administered by DSPS or a credentialing board. The renewal date is specified by statute, and is designated as the date on which a credential expires and before which it must be renewed for the credential holder to maintain the rights, privileges, and authority conferred by the credential. The statute does not specify what it means to "be renewed," particularly whether a credential holder's submission of a complete renewal application satisfies the renewal requirement or whether, instead, DSPS is required to have issued a determination on a renewal application.

The bill draft revises the language regarding the effect of the renewal date to specify that the renewal date is the date on which a credential expires and before which a credential holder must submit a complete renewal application in order to maintain without interruption the rights, privileges, and authority conferred by the credential.

The bill draft specifies that a renewal application is considered complete for purposes of satisfying the renewal requirement only when the credential holder has submitted the required fee and all forms and other documentation required for the renewal of that credential. A credential holder who has submitted a complete renewal application is also considered to have made timely and sufficient application for the renewal under a separate provision in state law that delays expiration until the opportunity for review of a denial expires or is otherwise resolved.

LRB-0363/P5 REGARDING LEGAL REVIEW OF AN ARREST OR CONVICTION RECORD

Revisions to Prior Version

LRB-0363/P5, regarding legal review of an arrest or conviction record, includes a prefatory note that summarizes its provisions. The draft is also revised from the /P3 version that was available at the

committee's November 15, 2022, meeting to remove the unnecessary nonstatutory provision that authorized special emergency rulemaking powers.

The draft also removes the entry that would have authorized DSPS to complete its investigation of conviction records without considering nonviolent juvenile offenses that occurred more than five years before submission of the application. Current law already prohibits consideration of juvenile offenses, other than certain identified serious offenses.

Lastly, the draft adds a provision that allows DSPS to rely on an employer's investigation of a person's arrest or conviction record, as described below.

Summary

Current law prohibits employment discrimination on the basis of a conviction record. This prohibition applies to DSPS and the credentialing boards in granting credentials. However, current law also allows DSPS or a credentialing board to refuse, bar, or terminate an occupational credential due to a prior conviction if the circumstances of the offense are substantially related to circumstances of the licensed activity.

The bill draft allows DSPS to complete its investigation as to whether the circumstances of an arrest, conviction, or other offense are substantially related to the circumstances of the licensed activity without reviewing certain types of violations. Those violations include the following:

- A first conviction, which occurred more than five years before the credential application date, for a violation of a law or local ordinance that prohibits driving or operating a motor vehicle while intoxicated or under the influence of alcohol, a controlled substance, a controlled substance analog, or a combination of those, or of any drug that renders the person incapable of safely driving.
- A violation of a law or local ordinance that prohibits underage procurement, possession, or consumption of alcohol.
- A minor, nonviolent ordinance violation, as determined by DSPS.

Additionally, the bill draft creates an alternative method to complete an investigation of an arrest, conviction, or other offense. Under this method, DSPS may accept a determination made by the applicant's employer, or by a contracted entity on behalf of the employer, that the applicant does not have an arrest, conviction, or other offense record or that the circumstances related to an arrest, conviction, or other offense are not substantially related to the licensed activity.

An employer, or contracted entity on behalf of the employer, must attest that the determination was made to the best of the employer's or entity's knowledge and with a reasonable degree of certainty. DSPS must accept or reject a determination within 30 days of its receipt, and within that period may review a determination or request additional information from the applicant. DSPS and the credentialing boards are not subject to suit and are not liable for damages resulting from acceptance of an employer's or entity's determination.

DSPS must implement both provisions of the bill by administrative rule.

LRB-0462/P3 REGARDING POSTING OF RECIPROCAL CREDENTIAL STANDARDS

Revisions to Prior Version

LRB-0462/P3, regarding posting of reciprocal credential standards, includes a prefatory note that summarizes its provisions, and makes no other changes to the /P2 version that was available at the committee's November 15, 2022, meeting.

Summary

Under current law, for health and business credentials administered by DSPS or a credentialing board, a specific reciprocal credential standard is typically specified for each credential, which establishes the eligibility criteria for issuing a reciprocal credential. A reciprocal credential is a credential issued to a person who already possesses a similar credential in another jurisdiction. Also known as licensure by endorsement, the process for granting a reciprocal credential typically allows an applicant who is already credentialed in another jurisdiction to receive a credential without having to provide all of the documentation or satisfy all of the criteria that would otherwise be required to be granted a credential. A commonly used standard specifies that a reciprocal credential may be granted if the other state's credentialing requirements are "substantially equivalent" to Wisconsin's credentialing requirements for the profession.

The bill draft requires DSPS to determine, for each health care provider credential, whether the profession's reciprocity standard requires an examination of the equivalence, comparability, or similarity of a prior issuing state's or territory's credentialing requirements. For each health care provider credential that DSPS determines applies this reciprocity standard, DSPS must review all other states' and territories' health care provider credentialing requirements, in consultation with the appropriate credentialing boards, to determine whether each other state's or territory's laws qualify for purposes of granting a reciprocal health care provider credential under state law.

DSPS must post the results of its review on its website, and must update the review at least every two years.

LRB-0401/P3 REGARDING A PRELIMINARY CREDENTIAL FOR OUT-OF-STATE APPLICANTS

Revisions to Prior Version

LRB-0401/P3, regarding a preliminary credential for out-of-state applicants, includes a prefatory note that summarizes its provisions, and makes no other changes to the /P2 version that was available at the committee's November 15, 2022, meeting.

Summary

Current law, enacted in 2021 Wisconsin Act 10, requires DSPS to grant a temporary state credential to a health care provider who is credentialed in good standing in another state, pending an application for a permanent credential. The provider must apply for the temporary credential within 30 days of first providing services in Wisconsin and attest that the person is in good standing under the out-of-state credential and has applied for a permanent credential. The health care provider's employer must notify

DSPS within 10 days of the person first providing services in Wisconsin and attest that the provider's credential and good standing have been confirmed to a reasonable degree of certainty. An employer's notification and attestation are not required if the person is only providing telehealth services.

To be in good standing under a credential from another state, the provider must hold a valid, unexpired credential and must not be under investigation or have any active restrictions or limitations on the person's credential. While practicing in Wisconsin under the temporary credential, a health care provider is subject to all responsibilities and limitations in the applicable practice.

The bill draft expands this process from health care providers to also include persons classified in the business professions with credentials in good standing in another state or territory. The bill draft revises the terminology for all health care and business profession applicants from a "temporary" credential to a "preliminary" credential. If an individual with a valid, unexpired credential from another state or territory applies for a preliminary credential under the process described above, the individual may provide health care or business services for an employer, under the preliminary credential, while an application for a permanent credential is pending. While providing services under the preliminary credential, the person is subject to all responsibilities and limitations of the applicable state-issued credential.

The bill draft adds a definition for the term "remote credential," to mean a credential from another state or territory that authorizes or qualifies the individual to perform acts that are substantially the same as the acts that an individual who holds a state-issued credential is authorized or qualified to perform. The bill draft also adds the following health care professions that may apply for a preliminary credential, who are not included in current law: dental hygienists, expanded function dental auxiliaries, genetic counselors, radiographers, and naturopathic doctors.

Under both current law and the bill draft, the preliminary credential takes effect on the date that the individual begins providing services in this state. The preliminary credential expires on the date that the application for the permanent credential is granted or denied.

The bill draft 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.

LRB-0367/P4 REGARDING A PRELIMINARY CREDENTIAL FOR NEW GRADUATES

Revisions to Prior Version

LRB-0367/P4, regarding a preliminary credential for new graduates, includes a prefatory note that summarizes its provisions, and makes no other changes to the /P3 version that was available at the committee's November 15, 2022, meeting.

Summary

The bill draft requires 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 draft 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 draft 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.

LRB-0838/P1 REGARDING THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT

This is the first appearance of draft LRB-0838/P1, regarding the Audiology and Speech-Language Pathology Interstate Compact, sometimes referred to as ASLP-IC.

This bill draft ratifies and enters Wisconsin into the ASLP-IC, which allows a speech-language pathologist or audiologist licensed in one member state to obtain a "compact privilege" to practice in a remote state without obtaining a license in that remote state. Significant provisions of the compact include the following:

- Creation of an Audiology and Speech-Language Pathology Compact Commission, which includes two members of the licensure boards of each member state. The commission oversees administration of the compact, enforces the compact, adopts bylaws, promulgates binding rules for the compact, employs an executive director and employees, establishes and elects an executive

committee, and has various other powers and duties. The commission may levy and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff.

- A process by which a licensee may obtain a compact privilege in another member state, which is also referred to in the compact as a privilege to practice. A licensee practicing in a remote state under a compact privilege is subject to that state's regulatory authority. A remote state may take action against a licensee's compact privilege in the remote state, at which point the licensee is not eligible for a compact privilege in any state until certain criteria are met. The state of the licensee's primary residence, however, has the exclusive authority to impose adverse action against a license issued by that state. Member states may charge a fee for granting a compact privilege.
- The ability for the member state licensure boards to conduct joint investigations of licensees and the ability of member states to issue subpoenas that are enforceable in other states.
- Creation of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states. A member state must submit a uniform data set to the data system on all individuals to whom the compact is applicable.
- Various provisions regarding resolutions of disputes between the commission and member states and between member and nonmember states.

Since the compact has already been enacted by the minimum number of states required for it to become active, the compact becomes effective in this state upon enactment of the bill. The compact provides that it may be amended upon enactment of an amendment by all member states. A state may withdraw from the compact by repealing the statute authorizing the compact, but the compact provides that a withdrawal does not take effect until six months after the effective date of that repeal.

LRB-0837/P1 REGARDING THE COUNSELING COMPACT

This is the first appearance of draft LRB-0837/P1, regarding the Counseling Compact.

This bill draft ratifies and enters Wisconsin into the Counseling Compact, which provides for the ability of a professional counselor to become eligible to practice in other compact states. Significant provisions of the compact include the following:

- The creation of a Counseling Compact Commission, which includes one member or administrator of the licensure boards of each member state. The commission has various powers and duties granted in the compact, including establishing bylaws, promulgating binding rules for the compact, employing officers and employees, and establishing and electing an executive committee. The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff.
- The ability for a professional counselor to obtain a "privilege to practice," which allows a professional counselor to practice professional counseling in another compact state (remote state) if the professional counselor satisfies certain criteria. The compact specifies a number of requirements in order for a professional counselor to exercise a privilege to practice, including holding a professional license in a home state, not having any encumbrances or restrictions against a license or privilege in the previous two years, and paying any fees and meeting any jurisprudence requirements that may be imposed by a remote state. A professional counselor practicing in a remote state under a privilege to practice must adhere to the laws and regulations, including the scope of practice, of that state. A remote state may, in accordance with that state's laws, remove a

professional counselor's privilege to practice in the remote state for a specific period of time, impose fines, and take any other necessary actions to protect the health and safety of its citizens. If a professional counselor's license is encumbered, the counselor loses the privilege to practice in all remote states until certain criteria are satisfied. If a professional counselor's privilege to practice in any remote state is removed, the counselor may lose the privilege to practice in all other remote states until certain criteria are satisfied.

- The ability of member states to issue subpoenas that are enforceable in other states.
- The creation of a coordinated database and reporting system containing licensure and disciplinary action information on professional counselors. The compact requires all home state disciplinary orders that impose adverse actions to be reported to the commission. A member state must submit a uniform data set to the data system on all individuals to whom the compact is applicable as required by the rules of the commission.
- Provisions regarding resolutions of disputes between the commission and member states and between member and nonmember states, including a process for termination of a state's membership in the compact if the state defaults on its obligations under the compact.

Since the compact has already been enacted by the minimum number of states required for it to become active, the compact becomes effective in this state upon enactment of the bill. The compact provides that it may be amended upon enactment of an amendment by all member states. A state may withdraw from the compact by repealing the statute authorizing the compact, but the compact provides that a withdrawal does not take effect until six months after the effective date of that repeal.

LRB-0365/P3 REGARDING DATA IN THE BIENNIAL REPORT

Revisions to Prior Version

LRB-0365/P3, regarding data in the biennial report, includes a prefatory note that summarizes its provisions. The draft is also revised from the /P2 version that was available at the committee's November 15, 2022, meeting to add that the reporting on the number of days from the date an application is initiated is also required for each individual profession. The draft also revises each instance of the word "average" to the word "median."

Summary

The bill draft requires DSPS to include the following information in its biennial report to the Legislature, for the time period since the prior report:

- The total number of initial and renewal applications received by DSPS and any credentialing board, and the number of credentials granted and issued.
- The median number of days from the day that an application is initiated to the date that a final determination is made, for each of the following categories: all applications; applications in the health professions; applications in the business professions; applications in the trade professions; applications in all other professions; and applications in each individual profession.
- The median number of contacts made to and received from an applicant before a final determination on the applicant's credential is issued.
- The total number of applications for which DSPS or a credentialing board requested more information.

- The total number of applications that required DSPS or a credentialing board to review an arrest, conviction, or other offense record.

LRB-0467/P3 REGARDING MONTHLY REPORT ON WEBSITE FOR PROCESSING TIMES

Revisions to Prior Version

LRB-0467/P3, regarding a monthly report on the website for processing times, includes a prefatory note that summarizes its provisions. The draft is also revised from the /P2 version that was available at the committee's November 15, 2022, meeting to change the word "average" to the word "median."

Summary

The bill draft requires DSPS to posts the following information for each credential on its website, updated each month:

- The median number of days from the day that an application for an initial credential or credential renewal is submitted to the date a final determination is made.
- The number of applications submitted for an initial credential or credential renewal over the prior month.
- The number of final determinations made on an application for an initial credential or credential renewal over the prior month, including:
 - The number of applications approved.
 - The number of applications denied.
- The number of applications for an initial credential or credential renewal submitted more than 45 days prior to the last day of the prior month, including:
 - The number of those applications for which necessary information from the applicant or a third party is pending.
 - The number of those applications that are currently undergoing legal review.

LRB-0366/P4 REGARDING AN APPLICATION PROCESSING DEADLINE

Revisions to Prior Version

LRB-0366/P4, regarding an application processing deadline, includes a prefatory note that summarizes its provisions, and makes no other changes to the /P3 version that was available at the committee's November 15, 2022, meeting.

Summary

For a credential administered by DSPS, the bill draft requires DSPS 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 draft likewise requires a credentialing board to make a final determination within 45 calendar days after the application is initiated. The bill draft 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 draft 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.

LRB-0465/P3 REGARDING UNIVERSAL LICENSURE RECOGNITION

Revisions to Prior Version

LRB-0465/P3, regarding universal licensure recognition, includes a prefatory note that summarizes its provisions, and makes no other changes to the /P2 version that was available at the committee's November 15, 2022, meeting.

Summary

Under current law, for health and business credentials administered by DSPS or a credentialing board, a specific reciprocal credential standard is typically specified for each credential, which establishes the eligibility criteria for issuing a reciprocal credential. A reciprocal credential is a credential issued to a person who already possesses a similar credential in another jurisdiction. Also known as licensure by endorsement, the process for granting a reciprocal credential typically allows an applicant who is already credentialed in another jurisdiction to receive a credential without having to provide all of the documentation or satisfy all of the criteria that would otherwise be required to be granted a credential.

The bill draft replaces the credential-specific standards (to be addressed in the next iteration of the bill) with a universal licensure recognition standard. Under that standard, the bill draft requires DSPS and credentialing boards to grant a reciprocal credential to an applicant who holds a credential from another state. The other state's credential must qualify the person to perform the acts authorized under the state-issued credential for which the person is applying.

The applicant must be in good standing in the other state, and must pass an examination on state law related to the profession if otherwise required for the credential. In addition, the individual must satisfy one of the following two conditions:

- Has practiced for at least three of the five years prior to submission of the reciprocal credential application under a scope of practice that is substantially equivalent to the scope of practice for the state-issued credential for which the person is applying.
- Was granted the other state's credential based on requirements that are substantially equivalent to the requirements for the state-issued credential.

A reciprocal credential under the universal licensure recognition standard expires on the next applicable renewal date for the credential, unless the renewal date occurs within 180 days after a reciprocal credential is granted. Renewal is subject to any fees and other requirements that apply to renew the credential.

The bill draft applies to occupational credentials issued to individuals by DSPS or a credentialing board in the health, business, and trades professions; it does not apply to credentials issued by other agencies.

LRB-0470/P2 REGARDING SUNRISE REVIEW

Revisions to Prior Version

LRB-0470/P2, regarding sunrise review, includes a prefatory note that summarizes its provisions. The draft also includes the following revisions from the /P1 version that was available at the committee's November 15, 2022, meeting:

- The subject matter for the review is clarified to specify that the review applies to proposed individual credentials, not proposed business credentials.
- The DSPS and Department of Agriculture, Trade and Consumer Protection (DATCP) representatives and public member on the Joint Review Committee on Occupational Credentials are revised to nonvoting members, in order to more closely reflect the status of the joint committee as a legislative body, while retaining their participation.
- The nonstatutory provision that created staggered terms for the joint committee members is removed, to allow the committee membership to more closely follow the biennial legislative schedule.

Summary

The bill draft creates a Joint Review Committee on Occupational Credentials, staffed by the Legislative Council staff. The membership includes the following:

- Two majority party Senators, one minority party Senator, two majority party Representatives, and one minority party Representative, appointed as are the members of the standing committees in the respective houses.
- The Secretary of DSPS or his or her designee, as a nonvoting member.
- The Secretary of DATCP or his or her designee, as a nonvoting member.
- A member of the public as a nonvoting member who is not a credential holder, selected by the Governor, who represents the interests of the public.

Each appointment is for a term of four years, provided that the person holds the position upon which the appointment is based.

The bill draft requires the joint committee to prepare a written report on a bill draft or amendment that creates a new occupational credential, before the bill or amendment may be referred to a standing committee or acted upon by the Legislature. The bill draft applies to proposed new credentials granted to individuals by DSPS or a credentialing board in the health, business, and trades professions, and proposed new credentials granted to individuals by other agencies that require credentialing for the use of the occupational title. The bill draft also defines the terms "license," "certification," and "registration."

The report must include all of the following:

- A description of the occupation proposed for regulation, including a list of associations, organizations, and other groups representing practitioners in this state, and an estimate of the number of practitioners that may be affected.

- A description of the problem or problems to be solved by regulation and the reasons why regulation is necessary, including any physical, emotional, or financial harm to clients that may occur from a failure to provide appropriate service, or erroneous or incompetent service, within the usual practice of the occupation.
- Whether requiring a license, certification, or registration is the least restrictive form of regulation that is necessary to protect the public health, safety, and welfare.
- The anticipated benefit to the public that would result from the proposed regulation.
- A comparison between the proposed regulation and the regulations used by Wisconsin's neighboring states (Illinois, Iowa, Michigan, and Minnesota).
- A recommendation on whether to create the credential as proposed, create the credential with modifications, pursue a less restrictive form of regulation, or decline to regulate the occupation.

All actions require the approval of a majority of all the voting members.

LRB-0466/P2 REGARDING SUNSET REVIEW

Revisions to Prior Version

LRB-0466/P2, regarding sunset review, includes a prefatory note that summarizes its provisions. The draft also includes the following revisions from the /P1 version that was available at the committee's November 15, 2022, meeting:

- The DSPS and DATCP representatives and public member in the joint review committee on occupational credentials are revised to nonvoting members, in order to more closely reflect the status of the joint committee as a legislative body, while retaining their participation.
- The nonstatutory provision that created staggered terms for the joint committee members is removed, to allow the committee membership to more closely follow the biennial legislative schedule.

Summary

The bill draft creates a Joint Review Committee on Occupational Licenses with the same membership and appointment terms as the sunrise review bill draft.

The bill draft requires the joint committee to review each existing occupational credential that is issued to individuals on an annual rotating basis, every eight years. The joint committee may divide the occupational credentials into eight groups, to review one group each year, and may review an occupational credential outside that schedule upon request of a legislator that is approved by the co-chairs. The bill draft applies to each existing occupational credential issued to individuals by DSPS or a credentialing board in the health, business, and trades professions; it does not require review of credentials issued by other agencies. The bill draft also defines the terms "license," "certification," and "registration."

The joint committee must hold a public hearing at which DSPS or the applicable credentialing board must present all of the following information:

- Whether requiring a license, certification, or registration is the least restrictive form of regulation that is necessary to protect the public health, safety, and welfare.

- Whether the practitioners of the profession exercise independent judgment, and whether the public needs, and can be reasonably expected to benefit from, an assurance of continuing professional competence.
- Whether the credentialing process impedes applicants with moderate or low incomes.
- The impact on market competition, consumer choice, and cost of services, if able to be determined.
- Whether the regulation duplicates activities of other entities or the private sector.
- A comparison with the approaches used by Wisconsin's neighboring states (Illinois, Iowa, Michigan, and Minnesota).
- Whether the conditions that led to the initial regulation have changed.
- Whether other conditions have arisen that would warrant more, less, or the same degree of regulation.
- Any other factors, including whether credentialing improves access to services through increased market options, whether and how often credential holders satisfy insurance provider requirements, and whether the credential is eligible for recognition or reciprocity under other state or federal regulations.

The joint committee must vote on whether to retain, modify, or terminate the credential. If the joint committee recommends modifying or terminating a credential, it must introduce companion bills in both houses to enact that recommendation, which are referred to standing committees. If the bills to modify or terminate a credential are introduced on or after February 1 of an even-numbered year, the joint committee must introduce the bills in the first 30 days of the next legislative session unless either house adversely disposed of either bill. All actions require the approval of a majority of all the voting members.

MSK:ksm