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# Wisconsin Legislative Council

## REPORT TO THE LEGISLATURE

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### STUDY COMMITTEE ON OCCUPATIONAL LICENSES

[2023 Senate Bill 189 and 2023 Assembly Bill 200  
2023 Senate Bill 190 and 2023 Assembly Bill 201  
2023 Senate Bill 191 and 2023 Assembly Bill 202  
2023 Senate Bill 192 and 2023 Assembly Bill 203  
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2023 Senate Bill 197 and 2023 Assembly Bill 208]

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The Wisconsin Legislative Council is a nonpartisan legislative service agency. Among other services provided to the Wisconsin Legislature, staff of the Wisconsin Legislative Council conduct study committees under the direction of the Joint Legislative Council.

Established in 1947, the Joint Legislative Council directs study committees to study and recommend legislation regarding major policy questions facing the state. Study committee members are selected by the Joint Legislative Council and include both legislators and citizen members who are knowledgeable about a study committee's topic.

This document summarizes committee activity and presents study committee recommendations to the Joint Legislative Council.

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## PART I | EXECUTIVE SUMMARY

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The Study Committee on Occupational Licenses, chaired by Senator Rob Stafsholt, was directed to review the occupational licensing systems administered by the Department of Safety and Professional Services (DSPS), including prior recommendations made by DSPS for eliminating current occupational credentials, systems of review to determine the necessity of both new and current occupational credentials, and access to reciprocal credentials for individuals from other states. The study committee completed its assignment in December 2022 and recommended nine bills for introduction in the 2023-24 legislative session.

### BACKGROUND

Currently, DSPS and the attached credentialing boards administer over 200 licenses. While occupational licenses have been regulated in the state since 1882, the number of regulated occupations has risen over the last few decades. Some observers have noted that there are not specialized processes in place to fully evaluate the need for licensure and any costs or barriers that may be imposed by the licensure.

The COVID-19 pandemic also highlighted Wisconsin's growing workforce shortage. Although the labor force may not be growing, the state has been adding jobs and that trend is expected to continue.<sup>1</sup> For workers, occupational licensing can be a pathway to skilled positions and higher pay, but licensing also may act to exclude certain workers within a state and reduce portability for workers to move between states.<sup>2</sup>

Given that context, the regulation of occupational licenses is subject to the sometimes competing goals of protecting consumers, increasing professionalization, and reducing barriers to economic opportunities for workers. In December 2018, DSPS engaged in an analysis of these competing goals and issued a Legislative Report on the [Wisconsin Occupational Licensing Study](#) with recommendations to eliminate certain existing occupational licenses. The study committee took the next step in that review, and heard from members of the occupations that the report had recommended for elimination.

In addition to considering those specific occupations, the committee considered whether it is necessary to implement a more systemic review of legislative proposals for new occupational credentials, and to periodically review the appropriateness of maintaining current occupational credential requirements. Sometimes referred to as “sunrise” and “sunset” reviews, such processes can help legislators consider the merits of licensure for an occupation before legislation is enacted, as a “sunrise” review, and to conduct a periodic review of the benefits of continuing licensure for an occupation, as a “sunset” review. The committee heard from research and policy organizations on this topic, and had conversations with representatives from two states that have enacted systems of review.

The committee also considered how to expand access to individuals from other states to practice in Wisconsin through a reciprocal credential. The committee heard from research and policy organizations, and individuals affected by the reciprocal credential application process, on the use of interstate compacts, standards under model laws, and a newer initiative in some states that is commonly referred to as universal licensure recognition. This included a broader review

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<sup>1</sup> Wisconsin Department of Workforce Development, [Understanding Wisconsin's Job Outlook](#) (July 2021).

<sup>2</sup> The White House, [Occupational Licensing: A Framework for Policymakers](#) (July 2015).

of workload issues in application processing and consideration of possible improvements for more transparency and streamlining in application processing.

## **STUDY COMMITTEE'S MEETINGS AND RECOMMENDATIONS**

The study committee met five times throughout the summer and fall of 2022. The members heard testimony from DSPS, the Legislative Fiscal Bureau (LFB), the National Conference of State Legislatures (NCSL), and the Council of State Governments (CSG). The committee also heard from economists, persons in regulated occupations, policy organizations, local government representatives, and persons from other states who have reviewed similar issues.

The study committee considered a number of policy options, and recommends legislation for introduction that would require DSPS to include certain information in its biennial report and on its website, allow DSPS to change its process of legal review for an arrest or conviction record for minor offenses, lengthen the renewal periods for health and business credentials, and revise certain aspects of processing for initial applications, reciprocal applications, and renewal applications. In particular, the committee recommended the following bill drafts for introduction by the Joint Legislative Council, with Part III describing their provisions in more detail:

- LRB-0363/1, relating to investigations of conviction records by DSPS for purposes of determining eligibility for credentials and granting rule-making authority.
- LRB-0364/1, relating to renewals of certain credentials.
- LRB-0365/1, relating to biennial report on various metrics related to the issuance of occupational credentials.
- LRB-0401/1, relating to practice of certain professions by credential holders from other states.
- LRB-0450/1, relating to renewal dates and continuing education requirements for certain credentials issued by DSPS and credentialing boards and granting rule-making authority.
- LRB-0462/1, relating to requiring DSPS to post certain credential information on its website.
- LRB-0467/1, relating to publication of credential metrics.
- LRB-0837/1, relating to ratification of the counseling compact.
- LRB-0838/1, relating to ratification of the audiology and speech-language pathology interstate compact, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and granting rule-making authority.

The committee approved all bill drafts, with minor modifications requested for three of the drafts, at the study committee's final meeting. The committee approved final versions of the three bill drafts for which modifications were requested by mail ballot in December 2022. For the final votes, four of the bill drafts (LRB-0363/1, LRB-0365/1, LRB-0462/1, and LRB-0467/1) were approved by votes of Ayes, 8; Noes, 1. The committee unanimously recommended the remaining bill drafts for introduction.

## INTRODUCTION BY THE JOINT LEGISLATIVE COUNCIL

At its March 23, 2023 meeting, the Joint Legislative Council voted to approve all of the committee's recommendations and introduce the following nine bills in the 2023-24 Legislative Session:

- 2023 Senate Bill 189 and 2023 Assembly Bill 200, relating to biennial report on various metrics related to the issuance of occupational credentials.
- 2023 Senate Bill 190 and 2023 Assembly Bill 201, relating to publication of credential metrics.
- 2023 Senate Bill 191 and 2023 Assembly Bill 202, relating to investigations of conviction records by the Department of Safety and Professional Services for purposes of determining eligibility for credentials and granting rule-making authority.
- 2023 Senate Bill 192 and 2023 Assembly Bill 203, relating to renewals of certain credentials.
- 2023 Senate Bill 193 and 2023 Assembly Bill 204, relating to renewal dates and continuing education requirements for certain credentials issued by the Department of Safety and Professional Services and credentialing boards and granting rule-making authority).
- 2023 Senate Bill 194 and 2023 Assembly Bill 205, relating to practice of certain professions by credential holders from other states.
- 2023 Senate Bill 195 and 2023 Assembly Bill 206, relating to requiring the Department of Safety and Professional Services to post certain credential information on its website.
- 2023 Senate Bill 196 and 2023 Assembly Bill 207, relating to ratification of the Counseling Compact.
- 2023 Senate Bill 197 and 2023 Assembly Bill 208, relating to ratification of the Audiology and Speech-Language Pathology Interstate Compact, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and granting rule-making authority.

The remainder of this report includes the following parts:

**Part II** provides a summary of the testimony and committee discussion at each meeting, and outlines the nine bill drafts that were recommended for introduction by the Study Committee on Occupational Licenses.

**Part III** provides background information on, and a detailed description of, the nine companion bills introduced by the Joint Legislative Council.

**Part IV** records the votes taken by the study committee to recommend the bills for introduction and the votes taken by the Joint Legislative Council to introduce the bills.





## PART II | COMMITTEE ACTIVITY

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### ASSIGNMENT

The Joint Legislative Council established the Study Committee on Occupational Licenses and appointed the chairperson by a mail ballot dated April 8, 2022. The study committee was directed to review the current occupational licensing system administered by DSPS. The committee was tasked with reviewing prior recommendations made by the department regarding any current laws requiring occupational credentials that may be eliminated without clearly harming or endangering the health, safety, or welfare of the public. The committee was also tasked with reviewing whether it is necessary to implement systems of review both to determine the necessity of legislative proposals for new occupational credentials, and to periodically review the appropriateness of maintaining current occupational credential requirements. Lastly, the committee was directed to review options to expand access to individuals from other states to receive a reciprocal credential to practice in Wisconsin. Following these reviews, the committee was directed to recommend legislation on current credentials that may be eliminated, on systems for review of new and existing occupational credentials, and on the issuance of reciprocal credentials.

To assist in completing this charge, the Joint Legislative Council appointed the study committee's membership by mail ballot dated May 31, 2022. The final committee membership consisted of two senators, two representatives, and five public members. **Appendix 1** lists the committee members.

### SUMMARY OF MEETINGS

The study committee held five meetings on the following dates at the State Capitol in Madison:

- August 2, 2022.
- September 27, 2022.
- October 12, 2022.
- November 15, 2022.
- December 13, 2022.

#### August 2, 2022 Meeting

At the August 2, 2022 meeting, Legislative Council staff provided an overview of material in the staff brief for the committee and LFB staff provided an overview of DSPS funding and staffing approval processes. **Zaakary Barnes**, with NCSL, described NCSL's assistance in state efforts to reduce occupational licensing barriers for certain population groups. Mr. Barnes also provided an overview of "sunrise" and "sunset" review processes across states and provided a brief comparison of those systems in selected states.

Representatives of DSPS, including **Secretary-Designee Dan Hereth**, provided background information on DSPS and its role in administering licenses. They noted that while DSPS works efficiently to administer licenses, the department is understaffed and struggles to keep up with the growing number of credential applications, and noted that processing delays do occur for some licensure applicants. They identified several steps that have been taken to improve operations at DSPS, but noted that the volume of work still exceeds staff resources. They urged

the Legislature to use the application fees for the intended purpose of adding staffing and resources.

Committee members talked about their priorities for the committee. Members commented that they would be interested in looking at ways to avoid duplicating background checks performed by the private sector or required by insurance, expanding the temporary licensure process for applicants from other states to additional occupations beyond health care providers under 2021 Wisconsin Act 10, and creating clear standards and data reporting for licensure application processing.

## **September 27, 2022 Meeting**

At the September 27, 2022 meeting, Legislative Council staff provided an overview of Legislative Council Memo No. 1, regarding preliminary options for discussion relating to the workload for processing occupational licensing applications and renewals. Committee members provided some brief, preliminary thoughts on that topic, including the importance of providing efficient application processing particularly in relation to the staffing shortages in the health fields, reconsidering standards in the renewal application process, reducing repetition in reviewing criminal background checks, lengthening the renewal periods, and tracking data on application processing times.

**Ryan Nunn**, Assistant Vice President for Applied Research, Community Development and Engagement, at the Federal Reserve Bank of Minneapolis gave an overview of licensing and its economic and employment effects. Mr. Nunn discussed licensing considerations in health care, and talked about the burden of licensure requirements on particular groups. Mr. Nunn commented that best practices in regulatory oversight include truly tailoring licensure requirements to health and safety issues, considering credentialing alternatives, minimizing supervision requirements and scope of practice restrictions, reducing barriers related to criminal conviction records, and engaging in detailed sunrise and sunset assessments of risk.

**Nancy Dexter-Schabow, Jill McNutt, Lisa Land, Justine Kopp, Julie Miller, Ann Wingate,** and **Judy Simpson**, art, dance, and music therapists, provided testimony in support of continuing to credential creative arts therapists in Wisconsin. They described how their services assist a variety of clientele, including children in foster care, veterans with post-traumatic stress disorder (PTSD), and persons with verbal processing disabilities. They noted that credentialing is necessary as their practice uses principles and methods of psychology, and as Medical Assistance and private insurers require professional credentialing in order to provide coverage for the services.

**Matt Shafer**, Deputy Program Director for CSG, National Center for Interstate Compacts, presented an overview of interstate compacts for occupational licenses. He stated that benefits of interstate compacts include facilitating multistate practice, maintaining or improving public health and safety, and preserving state authority over professional credentialing and an occupation's scope of practice. He noted that there are variations in how the different occupational licensure compacts provide reciprocity and that each approach is tailored to the needs of the profession.

**Kyle Koenen**, Policy Director, and **Anthony LoCoCo**, Deputy Counsel, with the Wisconsin Institute for Law and Liberty, summarized studies detailing the growth of occupational licensing in Wisconsin and the effect of occupational licensing on job growth and consumer costs, and compared Wisconsin occupational licensing with other states. They provided a number of recommendations, including implementation of a website dashboard to track credential processing times, adoption of universal licensure recognition, implementation of sunrise and sunset review processes, and adoption of a right-to-earn-a-living act.

**Michael Jahr**, Vice President of Communications and Government Relations with the Badger Institute, described the growth in the number of licensed occupations and the difficulties that some applicants have while waiting for licensure approval. He also noted that licensure can make it harder to enter a field and can hinder worker mobility. Mr. Jahr provided a number of recommendations, including adoption of universal licensure recognition, removal or reduction of the type of credentialing for some occupations, implementation of sunrise and sunset review processes, enactment of the model right-to-earn-a-living act, authorization for provisional credentialing while an application is pending, reduction of the “lookback” period for review of an applicant’s criminal history record, and improvement in credentialing boards’ membership transparency.

**Brian S.W. Tobias**, Director of the Colorado Department of Regulatory Agencies, Colorado Office of Policy, Research and Regulatory Reform, presented an overview of the review functions of the office and their agency structure. Mr. Tobias described the annual cycle of Title 24 sunset reviews that are scheduled directly in an occupation’s statutory provisions, the more limited Title 2 sunset review of agency advisory committees, and the sunrise review that is initiated if a citizen proposes regulation of an occupation. He noted that their processes are well-recognized and that their office is known for providing objective reports.

## **October 12, 2022 Meeting**

**Professor Morris Kleiner**, with the Humphrey School of Public Affairs at the University of Minnesota, gave an overview of the historical origins and consequences of occupational licensing and reasons for their growth over the last half-century. He noted that Wisconsin’s share of the workforce that is licensed is in the lower third of states for the share of the workforce that is licensed in each state. Mr. Kleiner stated that geographic mobility decreases for licensed persons, and that generally there is little to no impact on quality and safety outcomes from licensure for consumers. Mr. Kleiner recommended that a careful cost-benefit analysis be performed before creating a new credential for an occupation and noted Colorado as an example of the process.

**Carl Sims**, Deputy Program Director for CSG, Center for Innovation, presented an overview of universal licensure recognition. He explained the benefits of that approach, including improving reciprocity and licensing processing and its applicability to multiple licensed professions and population groups. He also detailed the limits of the approach, noting that it does not provide true reciprocity because an application is still required, may not apply to every profession, and is not uniform across states. Mr. Sims described some of the common policy features, and differences, among the 19 states that have adopted a universal licensure recognition approach.

**Matthew Barusch**, Council for Interior Design Qualification, and **Stephanie Anderson** and **Mindy Hoppe**, with the American Society of Interior Designers, testified in support of continuing to offer a registered interior designer credential in Wisconsin. They stated that 28 U.S. jurisdictions regulate the occupation and allow only credentialed persons to use “credentialed” in their title. They also noted that the credential in Wisconsin is voluntary, and is only necessary if an interior designer wishes to be able to include “registered” in their title. They also described the opportunities the credential provides for increased consumer choice in design services, while protecting public health, safety, and welfare.

**James Cox**, Alliance for Responsible Professional Licensing, summarized a 2021 Oxford Economics study, commissioned by the Alliance, which found different impacts of licensure between technical professions and vocational occupations, higher wages associated with all licensed professions, and a narrower wage gap for women and minorities in some licensed fields. Mr. Cox shared results of national public opinion research showing the public believes

systems of regulation are important to ensure qualifications and professional standards. Mr. Cox also discussed the benefits of licensing standards to employers in reducing business liability and risk. Mr. Cox noted that the professions in the Alliance have systems that encourage reciprocity while maintaining rigorous standards and removing artificial barriers. Mr. Cox encouraged the committee to consider meaningful sunrise or sunset review, the uniqueness of different occupations, and the importance of consistent standards across an occupation.

**Buddy Johnson**, Parliamentarian/Coordinator of Legislative Services, Arkansas House of Representatives, presented an overview of Arkansas's legislative and gubernatorial occupational licensing reform initiative that began in 2017. Mr. Johnson also described the sunrise and sunset review process that emerged from that initiative, including the standards used to review occupational licenses, the timeline for reviews, and recommendations for credential elimination or reduction since the review process was initiated.

**Jonathan Kowalski**, Executive Director of the Plumbing, Mechanical, Sheetmetal Contractor's Alliance, Inc., and **Glen Schwalbach**, on behalf of the National Society of Professional Engineers-Wisconsin, testified in support of continuing to offer a designer of engineering systems permit credential in Wisconsin. Mr. Kowalski highlighted the advantages of maintaining this credential, including that it allows a person to specialize in a particular engineering system, lowers design costs, and reduces the need to hire a professional from another state who may not be versed in the nuance of Wisconsin code. Mr. Schwalbach provided some history on the creation of the designers of engineering systems permit credential, emphasized the benefits it currently provides, and noted that it reduces barriers for persons seeking to enter the engineering field.

Following presentation of Memo Nos. 1 and 2 by Legislative Council staff, outlining some preliminary options for discussion, the committee discussed the organizational structure of DSPS, availability of application processing data, DSPS staffing and budget requests, and the scope of the committee's work. Committee members indicated interest in reviewing preliminary bill drafts relating to application processing metrics, universal licensure recognition, reciprocity, renewals, criminal history reviews, and sunrise reviews for proposed new credentials. Other topics identified by committee members to consider included making systemic changes to the license application process, increasing transparency for reciprocity standards, and changing licensure options for some professions.

## **November 15, 2022 Meeting**

**Greg Winkler**, Deputy Director, Rock County Human Services Department, **Renee Sororko**, Deputy Director, Winnebago County Department of Human Services, and **John Tuohy**, Executive Director, Wisconsin County Human Service Association (WCHSA), presented WCHSA's perspective on licensing issues. Ms. Sororko described the negative impacts that licensing delays have on the services delivered by county human service departments, including providing required services with unlicensed and unqualified staff, worker shortages, and worker turnover. Mr. Tuohy expressed WCHSA's support for additional resources for DSPS as requested in the 2023-25 state budget process. He noted that the root causes of licensing delays are workload and capacity and that DSPS should be allowed to use program revenue to expand operations through increased staff and improved technology, which would not affect general purpose revenue. Mr. Winkler discussed the benefits of reciprocity and WCHSA's support for increased reciprocity, including interstate compacts and a published list of jurisdictions where credential holders are eligible for reciprocity.

**Nicole Boyington**, Academic Fieldwork Coordinator, Assistant Professor, Mount Mary University, and President, Wisconsin Occupational Therapy Association, and **De'Andre Nunn**,

Assistant Professor, Mount Mary University, discussed licensing delays and possible solutions. Mr. Nunn described his experience obtaining a license in Wisconsin and noted the negative impact on the accreditation process for his university employer because of the delay in obtaining his license. Ms. Boyington described the licensing delays faced by members of her association and the negative impacts of those delays. She also recommended that the committee consider moving license processing from DSPTS to the association.

**Chris Carpenter**, Treasurer, Wisconsin Association of Marriage and Family Therapy, described his experience obtaining a license and expressed concern for the licensing backlog at DSPTS. He also noted concerns with certain bill drafts, including LRB-0466, which he asserted would harm the public if it requires a review of whether to maintain credentials for mental health professionals.

**Marc Herstand**, Executive Director, National Association of Social Workers, Wisconsin Chapter, described the poor customer service experience by social work licensure applicants and the social worker licensing backlog at DSPTS. He expressed support for allowing DSPTS to use fee revenue to add staff to meet the demand of increased applications. Mr. Herstand also supported legislative remedies, including the social work interstate compact, universal licensure recognition, and creating a preliminary credential.

**Sarah Brundidge**, Past President, **Kris Ostrander**, Legislative Co-Chair, and **Franz Schuttenhelm**, President, Wisconsin Society of Respiratory Care, described desired legislative changes to their credential and discussed the negative impacts of licensing delays. The requested legislative changes included removing the statutes and rules exam and the honesty expectation requirement.

**Sara Wuorinen**, Substance Abuse Counselor in Training, Ashland, Wisconsin, detailed her licensing experience with DSPTS, including multiple contacts with the department and multiple submissions of documents and her application. She noted the consequences of her licensing delay, including not receiving student loan forgiveness and not being able to work in Wisconsin up to the full capacity of her training. She also recommended Minnesota's licensing process.

**Jennifer Garrett**, Assistant Deputy Secretary, and **Mike Tierney**, Legislative Liaison, DSPTS, updated the committee on the implementation of the LicenseE application portal and noted that the importance of occupational licenses to both applicants and the public's protection. They also noted that the department is open to the flexibility offered in the bill drafts relating to the review of minor offenses and to adjusting renewal dates. The committee's questions focused on LicenseE application procedures and data capabilities, the department's 2023-25 biennial budget request and data to support the staffing request, and availability of processing metrics and comparisons with staffing and workloads in other states.

## **December 13, 2022 Meeting**

At the study committee's final meeting on December 13, 2022, the study committee reviewed 14 bill drafts.

First, the committee discussed LRB-0450/P3,<sup>3</sup> regarding four-year renewal periods. Committee discussion focused on how the bill draft addresses aspects of the credentialing process in the transition to a four-year renewal period, including renewal fees and continuing education. Members expressed general support for the concept of lengthening the current two-year renewal periods to four-year renewal periods. Chair Stafsholt noted that the draft could be amended

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<sup>3</sup> Introduced as 2023 Senate Bill 193 and 2023 Assembly Bill 204.

after introduction, during the standing committee review process, to revise the draft's treatment of continuing education requirements.

Second, the committee discussed LRB-0364/P3,<sup>4</sup> regarding automatic renewal. The committee discussed how the new LicenseE application system may be expected to support credential holders in submitting a timely renewal application and considered the importance to employers and insurance coverage in having clarity in a person's renewal status. Legislative Council staff explained the meaning of a "complete" submission in the bill draft and described the current treatment of a credential holder's renewal status during the renewal process.

Third, the committee discussed LRB-0363/P5,<sup>5</sup> regarding the legal review of an arrest or conviction record. A majority of the committee expressed support for this bill draft, as written. One member expressed concern that bill draft may allow the circumstances of an arrest or conviction record that are substantially related to the circumstances of a licensed activity to be missed.

Fourth, the committee discussed LRB-0462/P3,<sup>6</sup> regarding the posting of reciprocal credential standards. Committee discussion focused on the bill draft's effect on DSPP's workload. The committee agreed to extend the period between reviews from two years to four years.

Fifth, the committee discussed LRB-0401/P3,<sup>7</sup> regarding a preliminary credential for out-of-state applicants. The committee confirmed a licenseholder's professional responsibilities under the bill draft and expressed support for this bill draft, as written.

Sixth, the committee discussed LRB-0367/P4, regarding a preliminary credential for new graduates. Members generally expressed support for the concept in the draft, but noted the differences between a new graduate, who has not been licensed in another jurisdiction, and a person who has already been reviewed and credentialed by another jurisdiction. After discussing various options to address the committee's concerns, Chair Stafsholt stated that the bill draft would not be voted on because of the number of questions.

Seventh, the committee discussed LRB-0838/P1,<sup>8</sup> regarding the audiology and speech-language pathology interstate compact. The committee expressed support for this bill draft, as written.

Eighth, the committee discussed LRB-0837/P1,<sup>9</sup> regarding the counseling compact. The committee expressed support for this bill draft, as written.

Ninth, the committee discussed LRB-0365/P3,<sup>10</sup> regarding data in the DSPP biennial report. The committee members expressed support for the bill draft and agreed to the following changes: (a) 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; (b) 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 (c) specify that each piece of information is required, separately, for initial applications, renewal applications, and reciprocal credential applications.

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<sup>4</sup> Introduced as 2023 Senate Bill 192 and 2023 Assembly Bill 203.

<sup>5</sup> Introduced as 2023 Senate Bill 189 and 2023 Assembly Bill 200.

<sup>6</sup> Introduced as 2023 Senate Bill 195 and 2023 Assembly Bill 206.

<sup>7</sup> Introduced as 2023 Senate Bill 194 and 2023 Assembly Bill 205.

<sup>8</sup> Introduced as 2023 Senate Bill 197 and 2023 Assembly Bill 208.

<sup>9</sup> Introduced as 2023 Senate Bill 196 and 2023 Assembly Bill 207.

<sup>10</sup> Introduced as 2023 Senate Bill 189 and 2023 Assembly Bill 200.

Tenth, the committee discussed LRB-0467/P3,<sup>11</sup> regarding a monthly report on DSPS’s website for processing times. The committee members expressed support for the bill draft and agreed to the following changes: (a) specify that each data point that applies to initial applications and renewal applications also applies to reciprocal credential applications; and (b) define “submission” to specify that the number of days begins from the date that the fee was submitted.

Eleventh, the committee discussed LRB-0366/P4, regarding an application processing deadline. The committee discussed causes for delays outside of the control of DSPS and considered allowing more time in the processing deadline or replacing the decision deadline with a mandatory notice sent to applicants by DSPS. Chair Stafsholt stated that the bill draft would not be voted on because of the number of questions.

Twelfth, the committee discussed LRB-0465/P3, regarding universal licensure recognition. The committee discussed the extent to which the bill draft would or would not have the effect of streamlining the recognition process, the bill draft’s effect on the integrity of Wisconsin’s own credentialing standards, and whether certain requirements in the bill draft should or should not be included. Chair Stafsholt stated that the bill draft would not be voted on because of the number of questions.

Finally, the committee discussed LRB-0470/P2, regarding sunrise review, and LRB-0466/P2, regarding sunset review, together. The committee discussion focused on whether these review processes would be effective in improving the credentialing process and whether current legislative oversight is sufficient. 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 draft. Chair Stafsholt stated that the bill draft would not be voted on because of the number of questions.

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<sup>11</sup> Introduced as 2023 Senate Bill 190 and 2023 Assembly Bill 201.





## PART III | INTRODUCED LEGISLATION

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This Part of the report provides background information on, and a description of, the bills as recommended by the Study Committee on Occupational Licenses and introduced as companion bills by the Joint Legislative Council.

### **2023 SENATE BILL 189 AND 2023 ASSEMBLY BILL 200, RELATING TO BIENNIAL REPORT ON VARIOUS METRICS RELATED TO THE ISSUANCE OF OCCUPATIONAL CREDENTIALS**

The bill<sup>12</sup> requires DSPS to include the following information in its biennial report to the Legislature, for the time period since the prior report:

- The number of applications for initial, renewal, and reciprocal credentials received by DSPS and any credentialing board, and the number of those credentials granted and issued. DSPS must also separately report these numbers for each profession.
- The lowest, highest, and median number of days from the day that an application for initial, renewal, or reciprocal credential is initiated to the date that a final determination is made. DSPS must also separately report these numbers for applications in the health professions, business professions, trades professions, all other professions, and each profession individually.
- The median number of contacts made to and received from an applicant for an initial, renewal, or reciprocal credential before a final determination on the applicant's credential is issued. DSPS must also separately report these numbers for each profession.
- The number of applications for initial, renewal, and reciprocal credentials for which DSPS or a credentialing board requested more information. DSPS must also separately report these numbers for each profession.
- The number of applications for initial, renewal, and reciprocal credentials that required DSPS or a credentialing board to review an arrest, conviction, or other offense record. DSPS must also separately report these numbers for each profession.

### **2023 SENATE BILL 190 AND 2023 ASSEMBLY BILL 201, RELATING TO PUBLICATION OF CREDENTIAL METRICS**

The bill<sup>13</sup> requires DSPS to post and update the following information on its website each month, for each credential:

- The median number of days from the day that all required fees for an initial, renewal, or reciprocal application are submitted to the date a final determination is made. If a fee is waived under the veterans fee waiver program, the days must be counted from the day the application is considered submitted.

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<sup>12</sup> For the history of legislative actions regarding the companion bills, see [2023 Senate Bill 189](#) and [2023 Assembly Bill 200](#).

<sup>13</sup> For the history of legislative actions regarding the companion bills, see [2023 Senate Bill 190](#) and [2023 Assembly Bill 201](#).

- The number of applications submitted for an initial, renewal, or reciprocal credential over the prior month.
- The number of final determinations made on initial, renewal, and reciprocal credential applications over the prior month, including the number of applications approved and the number of applications denied.
- The number of initial, renewal, and credential applications for which more than 45 days have passed since the applicant submitted all required fees, or, if a fee is waived under the veterans fee waiver program, applications for which more than 45 days have passed from the day the application is considered submitted. DSPS must also report the number of those applications for which necessary information from the applicant or a third party is pending, and the number of those applications that are currently undergoing legal review.

## **2023 SENATE BILL 191 AND 2023 ASSEMBLY BILL 202, RELATING TO INVESTIGATIONS OF CONVICTION RECORDS BY DSPS FOR PURPOSES OF DETERMINING ELIGIBILITY FOR CREDENTIALS AND GRANTING RULE-MAKING AUTHORITY**

### **Background**

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 the circumstances of the licensed activity.

### **Description**

The bill<sup>14</sup> 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 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

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<sup>14</sup> For the history of legislative actions regarding the companion bills, see [2023 Senate Bill 191](#) and [2023 Assembly Bill 202](#).

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.

## **2023 SENATE BILL 192 AND 2023 ASSEMBLY BILL 203, RELATING TO RENEWALS OF CERTAIN CREDENTIALS**

### **Background**

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.

### **Description**

The bill<sup>15</sup> 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 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.

## **2023 SENATE BILL 193 AND 2023 ASSEMBLY BILL 204, RELATING TO RENEWAL DATES AND CONTINUING EDUCATION REQUIREMENTS FOR CERTAIN CREDENTIALS ISSUED BY DSPS AND CREDENTIALING BOARDS AND GRANTING RULE-MAKING AUTHORITY**

### **Background**

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 for each two-year period is specified by statute. As part of a credential holder's renewal, some professions specify

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<sup>15</sup> For the history of legislative actions regarding the companion bills, see [2023 Senate Bill 192](#) and [2023 Assembly Bill 203](#).

continuing education requirements by statute, while some professions may establish continuing education requirements by rule.

## **Description**

The bill<sup>16</sup> revises each two-year renewal period in the health and business professions to four-year renewal periods. Where specified in the statutes, the bill doubles the corresponding credential's continuing education requirement.

The bill 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 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 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 requires DSPS to do so by administrative rule. The bill also grants emergency rulemaking authority to DSPS and the credentialing boards to implement the provisions of the bill 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 specifies that the provisions take effect on the first day of the third month following enactment.

## **2023 SENATE BILL 194 AND 2023 ASSEMBLY BILL 205, RELATING TO PRACTICE OF CERTAIN PROFESSIONS BY CREDENTIAL HOLDERS FROM OTHER STATES**

### **Background**

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.

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<sup>16</sup> For the history of legislative actions regarding the companion bills, see [2023 Senate Bill 193](#) and [2023 Assembly Bill 204](#).

## **Description**

The bill<sup>17</sup> 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 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 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 also adds the following health care professions that may apply for a preliminary credential, that 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, 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 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.

## **2023 SENATE BILL 195 AND 2023 ASSEMBLY BILL 206, RELATING TO REQUIRING DSPS TO POST CERTAIN CREDENTIAL INFORMATION ON ITS WEBSITE**

### **Background**

Under current law, for health and business credentials administered by DSPS or a credentialing board, a specific reciprocal credential standard that establishes the eligibility criteria for issuing a reciprocal credential is typically specified for each 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.

### **Description**

The bill<sup>18</sup> requires DSPS to determine, for each health care provider credential, whether the profession’s reciprocity standard requires an examination of the equivalence, comparability, or

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<sup>17</sup> For the history of legislative actions regarding the companion bills, see [2023 Senate Bill 194](#) and [2023 Assembly Bill 205](#).

<sup>18</sup> For the history of legislative actions regarding the companion bills, see [2023 Senate Bill 195](#) and [2023 Assembly Bill 206](#).

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 four years.

## **2023 SENATE BILL 196 AND 2023 ASSEMBLY BILL 207, RELATING TO RATIFICATION OF THE COUNSELING COMPACT**

The bill<sup>19</sup> 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

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<sup>19</sup> For the history of legislative actions regarding the companion bills, see [2023 Senate Bill 196](#) and [2023 Assembly Bill 207](#).



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.

## **2023 SENATE BILL 197 AND 2023 ASSEMBLY BILL 208, RELATING TO RATIFICATION OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT, EXTENDING THE TIME LIMIT FOR EMERGENCY RULE PROCEDURES, PROVIDING AN EXEMPTION FROM EMERGENCY RULE PROCEDURES, AND GRANTING RULE-MAKING AUTHORITY**

The bill<sup>20</sup> ratifies and enters Wisconsin into the Audiology and Speech-Language Pathology Interstate Compact, 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

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<sup>20</sup> For the history of legislative actions regarding the companion bills, see [2023 Senate Bill 197](#) and [2023 Assembly Bill 208](#).

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.



## PART IV | VOTES

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### COMMITTEE VOTES

At the December 13, 2022 meeting, and by a December 19, 2022 mail ballot, the study committee voted to recommend the following bill drafts to the Joint Legislative Council for introduction in the 2023-24 Session of the Legislature. The votes on the bill drafts were as follows:

- **LRB-0363/P5**, relating to investigations of conviction records by DSPS for purposes of determining eligibility for credentials and granting rule-making authority, 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-0364/P3**, relating to renewals of certain credentials, 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/P4**, relating to biennial report on various metrics related to the issuance of occupational credentials, was approved by a vote of Ayes, 8 (Sens. Stafsholt and Ringhand; Reps. Sortwell; and Public Members M. Johnson, S. Johnson, Ollenburg, Walker, and Zenk); and Noes, 1 (Rep. Moore Omokunde).
- **LRB-0401/P3**, relating to practice of certain professionals by credential holders from other states, 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-0450/P3**, relating to renewal dates and continuing education requirements for certain credentials issued by DSPS and credentialing boards and granting rule-making authority, 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-0462/P4**, relating to requiring DSPS to post certain credential information on its website, was approved by a vote of Ayes, 8 (Sens. Stafsholt and Ringhand; Reps. Sortwell; and Public Members M. Johnson, S. Johnson, Ollenburg, Walker, and Zenk); and Noes, 1 (Rep. Moore Omokunde).
- **LRB-0467/P4**, relating to publication of credential metrics, was approved by a vote of Ayes, 8 (Sens. Stafsholt and Ringhand; Reps. Sortwell; and Public Members M. Johnson, S. Johnson, Ollenburg, Walker, and Zenk); and Noes, 1 (Rep. Moore Omokunde).
- **LRB-0837/P1**, relating to ratification of the counseling compact, 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-0838/P1**, relating to ratification of the audiology and speech-language pathology interstate compact, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and granting rule-making authority, 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.

## JOINT LEGISLATIVE COUNCIL VOTES

At the March 23, 2023 meeting, the Joint Legislative Council received the recommendations of the study committee. The Joint Legislative Council voted to approve all of the study committee's recommendations and introduce the following bills:

- **LRB-0363/1**, relating to investigations of conviction records by DSPS for purposes of determining eligibility for credentials and granting rule-making authority, passed on a vote of Ayes, 16 (Sens. Kapenga, Agard, Felzkowski, Jagler, LeMahieu, Marklein, Quinn, Smith, and Testin; and Reps. VanderMeer, August, Born, Duchow, Petersen, Plumer, and Vos); Noes, 5 (Sen. Spreitzer; and Reps. Billings, Goyke, Haywood, and Neubauer); and Excused, 1 (Sen. Johnson). **[LRB-0363/1 was introduced as 2023 Senate Bill 191 and 2023 Assembly Bill 202.]**
- **LRB-0364/1**, relating to renewals of certain credentials, was approved on a vote of Ayes, 17 (Sens. Kapenga, Agard, Felzkowski, Jagler, LeMahieu, Marklein, Quinn, Smith, and Testin; and Reps. VanderMeer, August, Billings, Born, Duchow, Petersen, Plumer, and Vos); Noes, 4 (Sen. Spreitzer; and Reps. Goyke, Haywood, and Neubauer); and Excused, 1 (Sen. Johnson). **[LRB-0364/1 was introduced as 2023 Senate Bill 192 and 2023 Assembly Bill 203.]**
- **LRB-0365/1**, relating to biennial report on various metrics related to the issuance of occupational credentials, was approved by a vote of Ayes, 17 (Sens. Kapenga, Agard, Felzkowski, Jagler, LeMahieu, Marklein, Quinn, Smith, and Testin; and Reps. VanderMeer, August, Billings, Born, Duchow, Petersen, Plumer, and Vos); Noes, 4 (Sen. Spreitzer; and Reps. Goyke, Haywood, and Neubauer); and Excused, 1 (Sen. Johnson). **[LRB-0364/1 was introduced as 2023 Senate Bill 189 and 2023 Assembly Bill 200.]**
- **LRB-0401/1**, relating to practice of certain professionals by credential holders from other states, was approved on a vote of Ayes, 16 (Sens. Kapenga, Agard, Felzkowski, Jagler, LeMahieu, Marklein, Quinn, Smith, and Testin; and Reps. VanderMeer, August, Born, Duchow, Petersen, Plumer, and Vos); Noes, 5 (Sen. Spreitzer; and Reps. Billings, Goyke, Haywood, and Neubauer); and Excused, 1 (Sen. Johnson). **[LRB-0401/1 was introduced as 2023 Senate Bill 194 and 2023 Assembly Bill 205.]**
- **LRB-0450/1**, relating to renewal dates and continuing education requirements for certain credentials issued by DSPS and credentialing boards and granting rule-making authority, was approved on a vote of Ayes, 16 (Sens. Kapenga, Agard, Felzkowski, Jagler, LeMahieu, Marklein, Quinn, Smith, and Testin; and Reps. VanderMeer, August, Born, Duchow, Petersen, Plumer, and Vos); Noes, 5 (Sen. Spreitzer; and Reps. Billings, Goyke, Haywood, and Neubauer); and Excused, 1 (Sen. Johnson). **[LRB-0450/1 was introduced as 2023 Senate Bill 193 and 2023 Assembly Bill 204.]**
- **LRB-0462/1**, relating to requiring DSPS to post certain credential information on its website, was approved by a vote of Ayes, 16 (Sens. Kapenga, Agard, Felzkowski, Jagler, LeMahieu, Marklein, Quinn, Smith, and Testin; and Reps. VanderMeer, August, Born, Duchow, Petersen, Plumer, and Vos); Noes, 5 (Sen. Spreitzer; and Reps. Billings, Goyke, Haywood, and Neubauer); and Excused, 1 (Sen. Johnson). **[LRB-0462/1 was introduced as 2023 Senate Bill 195 and 2023 Assembly Bill 206.]**
- **LRB-0467/1**, relating to publication of credential metrics, was approved by a vote of Ayes, 17 (Sens. Kapenga, Agard, Felzkowski, Jagler, LeMahieu, Marklein, Quinn, Smith, and Testin; and Reps. VanderMeer, August, Billings, Born, Duchow, Petersen, Plumer, and Vos); Noes, 4 (Sen. Spreitzer; and Reps. Goyke, Haywood, and Neubauer); and Excused, 1 (Sen.

Johnson). **[LRB-0467/1 was introduced as 2023 Senate Bill 190 and 2023 Assembly Bill 201.]**

- **LRB-0837/1**, relating to ratification of the counseling compact, was approved on a vote of Ayes, 21 (Sens. Kapenga, Agard, Felzkowski, Jagler, LeMahieu, Marklein, Quinn, Smith, Spreitzer, and Testin; and Reps. VanderMeer, August, Billings, Born, Duchow, Goyke, Haywood, Neubauer, Petersen, Plumer, and Vos); Noes, 0; and Excused, 1 (Sen. Johnson). **[LRB-0837/1 was introduced as 2023 Senate Bill 196 and 2023 Assembly Bill 207.]**
- **LRB-0838/1**, relating to ratification of the audiology and speech-language pathology interstate compact, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and granting rule-making authority, was approved on a vote of Ayes, 21 (Sens. Kapenga, Agard, Felzkowski, Jagler, LeMahieu, Marklein, Quinn, Smith, Spreitzer, and Testin; and Reps. VanderMeer, August, Billings, Born, Duchow, Goyke, Haywood, Neubauer, Petersen, Plumer, and Vos); Noes, 0; and Excused, 1 (Sen. Johnson). **[LRB-0838/1 was introduced as 2023 Senate Bill 197 and 2023 Assembly Bill 208.]**



# APPENDIX 1 | LIST OF COMMITTEE MEMBERS

## Study Committee on Occupational Licenses

<b>Chair Rob Stafsholt</b> , Senator New Richmond, WI 54017	<b>Vice Chair Shae Sortwell</b> , Representative Two Rivers, WI 54241
<b>Monica Johnson</b> , Director of Business Development NorthLakes Community Clinic Hayward, WI 54843	<b>Stanley Johnson</b> , Professional Engineer ABC of Wisconsin Cato, WI 54230
<b>Supreme Moore Omokunde</b> , Representative Milwaukee, WI 53210	<b>Jessica Ollenburg</b> , Managing Partner/Principal Consultant Ollenburg LLC Milwaukee, WI 53228
<b>Janis Ringhand</b> , Senator Evansville, WI 53536	<b>Albert Walker</b> , Owner Imago Dei The Barber Lounge Green Bay, WI 54303
<b>Ann Zenk</b> , Senior VP of Workforce and Clinical Practice Wisconsin Hospital Association Madison, WI 53711	

**STUDY ASSIGNMENT:** The study committee is directed to review the current occupational licensing system administered by the Department of Safety and Professional Services. The committee shall review prior recommendations made by the department regarding any current laws requiring occupational credentials that may be eliminated without clearly harming or endangering the health, safety, or welfare of the public. The committee shall also review whether it is necessary to implement systems of review both to determine the necessity of legislative proposals for new occupational credentials, and to periodically review the appropriateness of maintaining current occupational credential requirements. Lastly, the committee shall review options to expand access to individuals from other states to receive a reciprocal credential to practice in Wisconsin. Following these reviews, the committee shall recommend legislation on current credentials that may be eliminated, on systems for review of new and existing occupational credentials, and on the issuance of reciprocal credentials.

**MEMBERS:** 2 Senators; 2 Representatives; and 5 Public Members.

**LEGISLATIVE COUNCIL STAFF:** Margit Kelley, Principal Attorney, Patrick Ward, Staff Attorney, and Kelly Mautz, Administrative Staff.



## APPENDIX 2 | LIST OF COMMITTEE MATERIALS

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### August 2, 2022

- Staff Brief 2022-04, *Study Committee on Occupational Licenses* (July 25, 2022).
- Memo, *Impact of Licensure Processes on Wisconsin's Health Care Workforce*, submitted by Public Member Ann Zenk, Vice President Workforce and Clinical Practice, Wisconsin Hospital Association (July 29, 2022).
- National Conference of State Legislatures, *Occupational Licensing Final Report: Assessing State Policies and Practices* (Dec. 2020).
- Presentation by Margit Kelley, Senior Staff Attorney, and Patrick Ward, Staff Attorney, Legislative Council Staff.
- Presentation by Zaakary Barnes, Policy Associate, Employment, Labor & Retirement, National Conference of State Legislatures (August 2, 2022).
- Handout, *Study Committee on Occupational Licenses, Overview of DSPS Funding and Staffing*, Moriah Rapp, Fiscal Analyst, and Paul Ferguson, Program Supervisor, Legislative Fiscal Bureau (August 2, 2022).
- Testimony from Dan Hereth, Secretary-Designee, Mike Tierney, Legislative Liaison, and Sarah Norberg, Attorney Supervisor, Department of Safety and Professional Services (August 2, 2022).
- Minutes of the August 2, 2022 meeting.

### September 27, 2022

- Memo No. 1, *Preliminary Options for Discussion Relating to the Workload for Processing Occupational Licensing Applications and Renewals* (September 19, 2022).
- Presentation, *What We Know About Licensing and How to Fix It*, by Ryan Nunn, Assistant Vice President for Applied Research, Community Development and Engagement, Federal Reserve Bank of Minneapolis (September 27, 2022).
- Presentation, *Interstate Compacts for Licensure Mobility*, by Matt Shafer, Deputy Program Director, Council of State Governments, National Center for Interstate Compacts (September 27, 2022).
- Presentation, *Colorado's Sunrise & Sunset Processes*, by Brian S.W. Tobias, Director, Colorado Department of Regulatory Agencies, Colorado Office of Policy, Research & Regulatory Reform (September 27, 2022).
- Handout, *Sunrise and Sunset Statutory Evaluation Criteria*, submitted by Brian S.W. Tobias, Director, Colorado Department of Regulatory Agencies, Colorado Office of Policy, Research & Regulatory Reform (September 27, 2022).
- Presentation, *Occupational Licensing in Wisconsin*, by Michael Jahr, Vice President of Communications and Government Relations, Badger Institute (September 27, 2022).
- Presentation, *Occupational Licensing Reforms in Wisconsin*, by Kyle Koenen, Policy Director, and Anthony LoCoco, Deputy Counsel, Wisconsin Institute for Law & Liberty (September 27, 2022).
- Handout from Kyle Koenen, WILL – Institute for Justice, *Too Many Licenses?*

- Materials submitted in support of credentialing for art therapists.
- Materials submitted in support of the cosmetology temporary permit.
- Materials submitted in support of credentialing for dance therapists.
- Materials submitted regarding credentialing for intermediate clinical supervisor.
- Materials submitted in support of credentialing for music therapists.
- Handouts from Kyle Koenen, Policy Director, Wisconsin Institute for Law & Liberty.
- Testimony, WILL Testimony -- Right to Earn a Living, by Anthony LoCoco, Deputy Counsel, Wisconsin Institute for Law & Liberty.
- Correspondence from Real Estate Appraisers Board (September 14, 2022).
- Correspondence, Impact of Licensure Process Delays and Request for Action, from Physical Therapy Examining Board (September 14, 2022).
- Motions submitted by various credentialing boards (September 19, 2022).
- Correspondence from La Crosse Medical Health Science Consortium (September 23, 2022).
- Minutes of the September 27, 2022 meeting.

### **October 12, 2022**

- Handout, Final Report to the Arkansas Legislative Council, Occupational Licensing Review Subcommittee, submitted by Buddy Johnson, Parliamentarian/Coordinator of Legislative Services, Arkansas House of Representatives, and Member of Arkansas Occupational Licensing Initiative Core Team (December 18, 2020).
- Materials submitted in support of credentialing for interior designers.
- Materials submitted in support of credentialing for designers of engineering systems.
- Presentation, Occupational Licensing Reform Initiative in Arkansas, by Buddy Johnson, Parliamentarian/Coordinator of Legislative Services, Arkansas House of Representatives (October 12, 2022).
- Handouts submitted by Buddy Johnson, Parliamentarian/Coordinator of Legislative Services, Arkansas House of Representatives (October 12, 2022).
- Memo No. 2, Preliminary Options for Discussion Relating to the Elimination of Certain Credentials, Easing Reciprocity, and Creating Systems for Review of Proposed and Existing Credentials (October 5, 2022).
- Presentation, Origins and Consequences of Occupational Licensing, by Morris M. Kleiner, University of Minnesota, Twin-Cities, the Knee Center for the Study of Occupational Regulation, West Virginia University and NBER (October 12, 2022).
- Presentation, Universal Licensure Recognition, by Carl Sims, Deputy Program Director, CSG Center of Innovation.
- Testimony from Matthew Barusch, Council for Interior Design Qualification.
- Testimony and supporting documents submitted by James Cox, Alliance for Responsible Professional Licensing (October 12, 2022).
- Minutes of the October 12, 2022 meeting.



## **November 15, 2022**

- LRB-0363/P3, relating to investigations of conviction records by DSPS for purposes of determining eligibility for credentials.
- LRB-0364/P2, relating to renewals of certain credentials.
- LRB-0365/P2, relating to biennial report on various metrics related to the issuance of occupational credentials.
- LRB-0366/P3, relating to procedures and deadlines for the issuance of initial credentials by DSPS and attached credentialing boards.
- LRB-0367/P3, relating to preliminary credentials granted to previously unlicensed individuals.
- LRB-0401/P2, relating to practice of certain professions by credential holders from other states.
- LRB-0450/P2, relating to renewal dates and continuing education requirements for certain credentials issued by DSPS and credentialing boards.
- LRB-0462/P2, relating to requiring DSPS to post certain credential information on its website.
- LRB-0465/P2, relating to reciprocal credentials and granting rulemaking authority.
- LRB-0466/P1, relating to the Joint Review Committee on Occupational Credentials and periodic review of occupational credentials.
- LRB-0467/P2, relating to publication of credential metrics.
- LRB-0470/P1, relating to the Joint Review Committee on Occupational Credentials.
- Memo No. 3, Information in Response to Committee Requests at the September 27 and October 12, 2022, Meetings (November 8, 2022).
- Memo No. 4, Preliminary Bill Draft Options for Committee Discussion (November 8, 2022).
- Correspondence from Dan Hereth, DSPS Secretary-Designee, with attachment (October 14, 2022).
- Table, Reciprocity/Endorsement Not Available, Department of Safety and Professional Services (October 31, 2022).
- Memorandum, Bill Drafts Under Consideration at November 15th Meeting, from Kyle Koenen, Policy Director at the Wisconsin Institute for Law & Liberty, and Michael Jahr, Vice President of Communications & Government Relations at the Badger Institute (November 14, 2022).
- Presentation by Greg Winkler, Deputy Director, Rock County Human Services Department, Renee Soroko, Deputy Director, Winnebago County Department of Human Services, and John Tuohy, Executive Director, Wisconsin County Human Services Association (November 15, 2022).
- Testimony submitted by Christopher Carpenter (September 12, 2022).
- Testimony by Jennifer Garrett, Assistant Deputy Secretary, and Mike Tierney, Secretary, Department of Safety and Professional Services (November 15, 2022).
- Testimony submitted by Marc Herstand, Executive Director, National Association of Social Workers, Wisconsin Chapter (November 15, 2022).

- Handout submitted by the Wisconsin Society of Respiratory Care.
- Minutes of the November 15, 2022 meeting.

### **December 13, 2022**

- LRB-0363/P5, relating to investigations of conviction records by DSPS for purposes of determining eligibility for credentials.
- LRB-0364/P3, relating to renewals of certain credentials.
- LRB-0365/P3, relating to biennial report on various metrics related to the issuance of occupational credentials.
- LRB-0366/P4, relating to procedures and deadlines for the issuance of initial credentials by DSPS and attached credentialing boards.
- LRB-0367/P4, relating to preliminary credentials granted to previously unlicensed individuals.
- LRB-0401/P3, relating to practice of certain professions by credential holders from other states.
- LRB-0450/P3, relating to renewal dates and continuing education requirements for certain credentials issued by the Department of Safety and Professional Services (DSPS) and credentialing boards.
- LRB-0462/P3, relating to requiring DSPS to post certain credential information its website.
- LRB-0465/P3, relating to reciprocal credentials and granting rulemaking authority.
- LRB-0466/P2, relating to the joint review committee on occupational credentials and periodic review of occupational credentials.
- LRB-0467/P3, relating to publication of credential metrics.
- LRB-0470/P2, relating to the joint review committee on occupational credentials.
- LRB-0837/P1, relating to ratification of the counseling compact.
- LRB-0838/P1, relating to ratification of the Audiology and Speech-Language Pathology Interstate Compact.
- Memo No. 5, Preliminary Bill Draft Options for Committee Discussion (December 5, 2022).
- Letter from Jennifer Jarrett (on behalf of the Board), Chairperson, Wisconsin Physician Assistant Affiliated Credentialing Board, to members of the Joint Committee on Finance (November 30, 2022).
- Memorandum, Credentialing of Nutrition Care Providers and Comments on LRB-0466/P2 (Sunset Review) and LRB-0470/P2 (Sunrise Review), from Tracey Elmes MS, RDN & Cassie Vanderwall, PhD, RD, CDE, CD, FAND – on behalf of the Wisconsin Academy of Nutrition and Dietetics (WAND) (December 6, 2022).
- Letter from Luke Beirl, President/Chief Executive Officer, Hayward Area Memorial Hospital & Water's Edge (December 6, 2022).
- Memorandum, Bill Drafts Under Consideration at December 13th Meeting, from Kyle Koenen, Policy Director at the Wisconsin Institute for Law & Liberty & Michael Jahr, Vice President of Communications & Government Relations at the Badger Institute (December 12, 2022).

- Testimony submitted by Ben Van Pelt, Director of Government Affairs, SSM Health (December 13, 2022).
- Testimony, LRB-0838/P1, relating to ratification of the Audiology and Speech-Language Pathology Interstate Compact, submitted by Wisconsin Speech-Language Pathology and Audiology Association (December 13, 2022).
- Minutes of the December 13, 2022 meeting.

### **December 19, 2022 Mail Ballot**

- LRB-0365/P4, relating to biennial report on various metrics related to the issuance of occupational credentials.
- LRB-0462/P4, relating to requiring the Department of Safety and Professional Services to post certain credential information on its website.
- LRB-0467/P4, relating to publication of credential metrics.
- Results of the December 19, 2022 mail ballot.

### **Recommendations to the Joint Legislative Council**

- CR 2023-06, Study Committee on Occupational Licenses (March 1, 2023)
- LRB-0363/1, relating to investigations of conviction records by the Department of Safety and Professional Services for purposes of determining eligibility for credentials and granting rule-making authority.
- LRB-0364/1, relating to renewals of certain credentials.
- LRB-0365/1, relating to biennial report on various metrics related to the issuance of occupational credentials.
- LRB-0401/1, relating to practice of certain professions by credential holders from other states.
- LRB-0450/1, relating to renewal dates and continuing education requirements for certain credentials issued by the Department of Safety and Professional Services and credentialing boards and granting rule-making authority.
- LRB-0462/1, relating to requiring the Department of Safety and Professional Services to post certain credential information on its website.
- LRB-0467/1, relating to publication of credential metrics.
- LRB-0837/1, relating to ratification of the Counseling Compact.
- LRB-0838/1, relating to ratification of the Audiology and Speech-Language Pathology Interstate Compact, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and granting rule-making authority.

### **Joint Legislative Council Recommendations to the 2023-24 Legislature**

- RL 2023-06, Study Committee on Occupational Licenses (May ??, 2023)
- 2023 Senate Bill 189 and 2023 Assembly Bill 200.
- 2023 Senate Bill 190 and 2023 Assembly Bill 201.
- 2023 Senate Bill 191 and 2023 Assembly Bill 202.

- 2023 Senate Bill 192 and 2023 Assembly Bill 203.
- 2023 Senate Bill 193 and 2023 Assembly Bill 204.
- 2023 Senate Bill 194 and 2023 Assembly Bill 205.
- 2023 Senate Bill 195 and 2023 Assembly Bill 206.
- 2023 Senate Bill 196 and 2023 Assembly Bill 207.
- 2023 Senate Bill 197 and 2023 Assembly Bill 208.

[Copies of documents are available at [www.legis.wisconsin.gov/lc](http://www.legis.wisconsin.gov/lc).]