

*Regulation of Occupations by the Department
of Regulation and Licensing*



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Occupational regulation affects many professions in Wisconsin. A number of state agencies have some responsibilities for occupational oversight. This paper, however, deals only with the occupations and activities subject to regulation by the Department of Regulation and Licensing (R&L).

Occupational regulation under R&L falls into three categories: (1) occupations regulated by independent examining boards attached to R&L (or by affiliated credentialing boards attached to an independent examining board); (2) occupations regulated by semi-autonomous boards that share authority with R&L; and (3) occupations directly regulated by R&L. The Department also directly regulates such non-occupational entities as charitable organizations, boxing clubs, pharmacies and schools of barbering, cosmetology and related specialties.

The Department provides administrative, legal and enforcement services and assistance in rule making and examinations for the credentialed professions. The Department also assists the boards in developing regulatory policies that protect the broad public interest.

This informational paper describes the history of occupational credentialing in Wisconsin, the types of credentials granted to regulated professionals and the general regulatory responsibilities of both the examining boards and the Department. Following this discussion, the operations and funding of the agency are described. Finally, recent leg-

islative changes in occupational regulation by R&L are highlighted.

History of Occupational Regulation

Prior to the creation of R&L, a number of independent examining boards regulated professional occupations. These examining boards set the credential requirements for the regulated profession, granted credentials, promulgated administrative rules applicable to the regulated professionals and collected credential fees. Each of these independent boards had a separate budget and directly employed staff. The first such board was the Pharmacy Examining Board, created in 1882. Over the next eight decades, through 1965, some 16 additional independent examining boards or councils were created. Then, in the mid-1960s, Wisconsin state government underwent a series of major reorganizations aimed at improving operational efficiency and responsiveness to the public.

The Kellett Commission, named after its chair, William R. Kellett, was appointed to study state government operations. Its membership consisted of eight legislators, eight business leaders appointed by the Governor, the Chief of the Legislative Reference Bureau and the Commissioner of the Department of Administration. The Kellett Commission made numerous recommendations for the reorganization of the executive branch of state government. Several of these reorganization pro-

posals had a significant effect on the administration of occupational licensure in Wisconsin.

The Kellett Commission recommended the creation of a single Department of Regulation and Licensing to provide centralized administrative and technical services to the independent examining boards and councils existing at the time. While each board would continue the independent regulation of its own profession, the Department would assume responsibility for the direct regulation of certain professions where no examining board existed. These recommendations ultimately became law in Chapter 75, Laws of 1967.

Since 1967, subsequent legislation has further consolidated occupational regulation under R&L and has gradually transferred many administrative functions from the separate boards to the Department. In 1975, the regulation of barbering and the regulation of the funeral industry were transferred from the Department of Health and Social Services to R&L. Also in that year, R&L was first authorized to hire staff for all the boards with a few exceptions. In 1977, a single appropriation for the expenditure of all license fee revenue was created, and budgetary authority was centralized under the Department. Legislation in 1979 authorized the Department to reorganize its staff entirely along functional lines, rather than by the boards that they served, and to eliminate the last employee positions remaining under a board's direct authority.

The Department currently provides centralized administrative services to 25 boards, examining boards and affiliated credentialing boards. These boards are listed in Table 1.

Credentialing of Professions

The Department, boards, examining boards,

Table 1: Boards, Examining Boards and Affiliated Credentialing Boards

Accounting Examining Board
Architects, Landscape Architects, Professional Engineers,
Designers and Land Surveyors Examining Board
Athletic Trainers Affiliated Credentialing Board
Auctioneer Board
Barbering and Cosmetology Examining Board
Chiropractic Examining Board
Controlled Substance Board
Dentistry Examining Board
Dietitians Affiliated Credentialing Board
Funeral Directors Examining Board
Hearing and Speech Examining Board
Marriage and Family Therapy, Professional Counseling
and Social Work Examining Board
Medical Examining Board
Board of Nursing
Nursing Home Administrators Examining Board
Occupational Therapists Affiliated Credentialing Board
Optometry Examining Board
Pharmacy Examining Board
Physical Therapists Affiliated Credentialing Board
Podiatrists Affiliated Credentialing Board
Professional Geologists, Hydrologists, and Soil Scientists
Examining Board
Psychology Examining Board
Real Estate Appraisers Board
Real Estate Board
Veterinary Examining Board

and affiliated credentialing boards are created to regulate certain professions and classes of businesses identified in statute to ensure through the issuance of credentials that the public's health, safety, and welfare are adequately protected. The type of credentials issued may include licenses, certificates, registrations and permits. These types of credentials are generally differentiated by qualification requirements, the use of a professional title, and the range of activities (also known as scope of practice) that a credential holder is allowed to perform. However, because the statutes are not uniform in establishing credentialing requirements and the credential titles are often used interchangeably, the different types of credentials can only be defined in general terms.

Licenses are the most restrictive types of credentials. Qualification requirements usually

include an examination, specialized education, and often specific work experience. Licensure restricts both the use of the regulated title and the scope of practice so that it becomes illegal for unlicensed individuals or firms to use the title or practice that profession. Physicians and nurses are examples of occupations subject to formal licensure in order to practice.

Certificates are generally a less restrictive credential than licenses. While applicants for a certificate may be required to take an exam, certificates generally serve to provide special recognition to individuals who have met predetermined qualifications for a profession. One of these qualifications may include being certified by a national professional association. Certified credential holders and non-certified individuals may often still offer similar services; however, only credential holders may describe themselves as certified. Examples of occupations subject to state certification are acupuncturists, respiratory care practitioners and social workers.

Registration is the least restrictive form of credentialing. In its most simple form, registration requires an individual to file his or her name and address with R&L or the appropriate regulatory body and pay the registration fee. Registration may also be accompanied with a restriction on the use of the title "registered" professional. For example, one must register as an interior designer in order to use the title "Wisconsin registered interior designer." However, a person may still practice interior design without registering.

Permits are another form of credential issued by R&L. However, because permits are used both as a training credential, as in the case of hearing instrument specialists, or as a primary credential, as with private security persons, permits do not easily fit on the continuum of credential types.

While the distinctions among credentials are helpful in understanding the general level of regulation of occupations, the specific requirements for

each profession's credential are spelled out in the statutes (and in many cases amplified by administrative rule requirements). Simply because individuals in a profession are required to register does not necessarily mean that the group is statutorily less restricted than another profession where individuals must be certified. The statutes, R&L administrative rules, and respective board requirements must be consulted to determine what each credential issuance entails.

Finally, common usage of credential terms makes reviewing the statutes imperative. For example, one might think that "registered nurses" need only register in order to practice. However, registered nurses are actually required to obtain a license because it is illegal for anyone to practice nursing in Wisconsin unless the Nursing Board formally licenses them.

Role of the Independent Boards and the Semi-Autonomous Professional Boards

The Independent Professional Boards. Most of the professional boards are independent, unitary entities called examining boards (five are simply called boards and five are called affiliated credentialing boards). All of these boards are responsible for regulating the professions or activities under their jurisdiction. Further, except as specifically described below, all are authorized to promulgate administrative rules defining the professional standards and the regulatory policies governing the occupations or activities under their jurisdiction. In addition, within statutory limits, most of these boards determine the educational and experience requirements for obtaining an occupational credential for the occupations they regulate, develop and evaluate credentialing examinations and establish and enforce standards of professional conduct. Appendix IV lists the board responsible for oversight of each regulated occupation and business entity.

Not all of the independent examining boards operate as unitary boards. Such is the case with the following boards: (1) Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors Examining Board; (2) Professional Geologists, Hydrologists, and Soil Scientists Examining Board; and (3) the Marriage and Family Therapy and Professional Counseling and Social Work Examining Board. For these boards, each of the named professions has its own section, which separately reviews individual applications for credentialing and determines disciplinary actions involving credential holders in that profession. Matters of joint interest to all the professions under the overall jurisdiction of the examining board, such as qualifications and policies established by administrative rules, are set by the full examining board. Issues that affect only a specific profession are addressed by the section or sections of the examining board to which the matter is of interest.

In the case of the Medical Examining Board, five of the professions under its overall jurisdiction (physical therapists, podiatrists, dietitians, athletic trainers, and occupational therapists) are regulated by affiliated credentialing boards. An affiliated credentialing board is attached to an examining board to regulate a profession that either does not practice independently of a profession regulated by the examining board or practices in collaboration with a profession regulated by the examining board. The Physical Therapists, Podiatrists, Dietitians, Athletic Trainers, and Occupational Therapists Affiliated Credentialing Boards are responsible for setting standards of professional competence and conduct, reviewing the qualifications of applicants, granting credentials and taking disciplinary actions involving the professions under their jurisdiction.

Finally, some boards and examining boards are advised by examining councils comprised of members representing a profession that is regulated by the board but does not have statutory representation in the membership of the board. For example, the Medical Examining Board is

comprised of nine medical doctors, one doctor of osteopathy, and three public members. In addition to regulating doctors, the Board regulates respiratory care practitioners. Respiratory care practitioners advise the Medical Examining Board on rules concerning respiratory care through a separate council, composed of five members. Three of these members are certified respiratory care practitioners, one member is a physician and one member represents the public.

The Semi-Autonomous Boards. Three boards (the Real Estate Board, the Real Estate Appraisers Board and the Auctioneer Board) are semi-autonomous in nature. This means that R&L, rather than any of these boards, is the entity with statutory authority to promulgate rules governing the real estate, real estate appraisal and auctioneering professions. The semi-autonomous boards retain responsibility for determining discipline in cases where a complaint has been filed against a credential holder, but the Department, with the advice of the boards, sets all other policies affecting these professions.

Each board, whether it is independent or semi-autonomous, communicates with its credential holders through a semi-annual newsletter discussing relevant changes in statutes and administrative rules. Recent disciplinary actions by the respective board are also summarized in these communications.

Board Appointment and Membership. In general, the Governor appoints board, examining board and affiliated credentialing board members to staggered, four-year terms with the advice and consent of the Senate. The one exception is the Controlled Substances Board. The Controlled Substances Board consists of the Attorney General, the Secretaries of the Departments of Health and Family Services and Agriculture, Trade and Consumer Protection, and the chair of the Pharmacy Examining Board, all of whom serve on the Board by virtue of their office, and two public members appointed by the Governor to three-year terms.

Terms of board members expire on July 1 and the Governor may not appoint a member to more than two consecutive terms. Board membership is governed by specific statutory criteria. In general, boards are comprised of experienced practitioners of the regulated profession and public members with no professional connection to the field being regulated. In addition, no member of any board may be an officer, director or employee of a private organization that promotes or furthers the profession or occupation regulated by the board.

The Governor also appoints, with the advice and consent of the Senate, most council and examining council members. Terms for council members range from two to four years, depending upon the council. Further, the council members are subject to the same conflict of interest and term limitation provisions that apply to board, examining board and affiliated credentialing board members.

Appendix I lists the size, membership characteristics and types of credentials issued for each board and examining board. Appendix II provides similar information for all current affiliated credentialing boards, attached examining councils and councils.

Direct Credentialing by the Department. In addition to the professionals regulated by the examining boards, the Department directly regulates and issues credentials to some professions and activities. The occupations or activities regulated directly by the Department are: acupuncturists; art therapists; body workers; boxers; charitable organizations; dance therapists; home inspectors; interior designers; massage therapists; music therapists; private detectives and detective agencies; professional fund-raisers and fund-raising counsels; boxing exhibitions; cemeteries and cemetery preneed sellers.

The Secretary of R&L is authorized to grant, suspend or revoke credentials for these occupations or activities. Further, the Secretary may promulgate administrative rules, administer and

evaluate examinations and conduct enforcement proceedings for these regulated professions and activities. Although no formal boards or councils are permanently established to regulate these professions or activities, the Secretary may appoint advisory committees consisting of members of the directly credentialed professions to assist R&L in developing rules or studying regulatory issues of interest to the profession. Appendix III lists the committees that are advisory to the Department.

In total, the professional boards and the Department now regulate 100 different professions, occupations or types of business establishments and approximately 300,000 credential holders. Appendix IV lists all of the occupations currently regulated by the various boards, examining boards or affiliated credentialing boards or directly by R&L. Appendix V shows the number of biennial credentials issued by occupation from the 1995-97 biennium through the 1999-01 biennium.

Department of Regulation and Licensing Operations and Central Services

The Governor appoints the Secretary of R&L, with the advice and consent of the Senate. The Secretary is directed by statute to centralize the operations of the Department and the attached boards. Accordingly, the Department provides the attached boards with all staff, administrative and legal services. The allocation, disbursement and budgeting of funds received from credentialing and examination fees are also the responsibility of the Secretary. The Secretary advises the Governor and the Legislature on new programs, creates uniform procedures for disciplinary proceedings and advises the boards on policy development.

The Department is currently organized into an Office of the Secretary and four divisions: Board Services; Enforcement; Management Services; and Professional Credentialing.

There are currently eight unclassified employees in the agency. In addition to the Secretary, Deputy Secretary and an Executive Assistant in the Office of the Secretary, an unclassified administrator supervises each of the agency's four divisions. Further, under ss. 230.08(2)(v) and 440.04(6) of the statutes, the Secretary may appoint up to five additional unclassified bureau directors in the agency, subject to position authorization. A bureau director may be appointed to serve concurrently as a division administrator. At this writing, there are two unclassified bureau directors, one of whom serves concurrently as a division administrator.

The total number of full-time equivalent employees authorized for the Department in fiscal year 2000-01 is shown in Table 2.

Table 2: Organizational Structure

Office or Division	Number of Employees
Office of the Secretary	5.00
Office of Legal Counsel	10.80
Divisions	
Board Services	15.00
Professional Credentialing	23.45
Management Services	26.50
Enforcement	<u>54.75</u>
Total	135.50

The Division of Board Services functions as a departmental liaison with all of the professional boards and councils. The Division has four bureaus. The Bureau of Health Professions provides assistance to credential holders in fields such as dietetics, medicine, dentistry, pharmacy, physical therapy, and veterinary. The Bureau of Health Services work with chiropractic, optometry, nursing, psychology, social work, and acupuncture. The Bureau of Business and Design Professions serves accountants, appraisers, architects, professional engineers, designers, soil scientists, barbers, and cosmetologists. The Bureau of Direct Licensing and

Real Estate is responsible for occupations such as auctioneers, private detective agencies, home inspectors, cemeteries, and real estate credential holders. The Division of Board Services establishes meeting agendas, prepares all board materials, facilitates board meetings, and takes board minutes. Board Services also researches related regulation issues, rule revision, assist in drafting legislation and work to implement statutory changes.

A unit of the Division, the Office of Education and Examinations, works closely with boards and credentialing staff. The Office assists the boards with testing and evaluation of credential holders. It also coordinates the educational programs for regulated professions including the approval of nursing schools, real estate schools, and barbering and cosmetology schools.

The Division of Professional Credentialing, is responsible for the development of initial credential applications and the processing of the initial credential requests. Most new applicants will contact this Division to find background information on how to apply for a credential and to request the appropriate application materials.

The Division receives between 15,000 and 20,000 applications annually for 100 different credentials. Applications can be as simple as the completion of the appropriate form, submission of supporting paperwork and payment of the initial credentialing fee. More complex licensing may include: college transcripts, proof of graduation, internships, residencies, supervised practicum review, criminal background checks, national practitioner's data bank report, reports from national associations on disciplinary actions, employment verification, verification of licensure from other state boards, state or national written and oral examination results, and proof of insurance.

This Division also works directly with the boards to review and update credentialing procedures. Changes to these procedures can be accomplished through periodic reviews of administrative

rules by the boards or as a result of new legislation.

The Division of Management Services is responsible for: (1) license renewal; (2) mail and central services; (3) information technology; and (4) fiscal and personnel management.

The Division staff accounts for all payments, enters name and address changes, and provides clerical support for the 300,000 active credential holders who renew each biennium. Division staff are also responsible for ensuring that renewing licensees meet such other requirements as providing proof of: fulfillment of continuing education hours; malpractice insurance coverage; statements about convictions; and CPR training.

The Division of Enforcement is responsible for: (1) intake and screening of complaints against credential holders; (2) investigation and prosecution of cases in conjunction with the appropriate disciplinary authority; (3) monitoring compliance with disciplinary orders; (4) inspecting of barbering and cosmetology schools and establishments, pharmacies, and funeral homes; and (5) auditing of various trust accounts established by real estate brokers, auctioneers and auction companies, and cemetery authorities.

The Division is responsible for investigating complaints for all the boards and the Department. It receives complaints alleging improper practice by a credential holder. In cooperation with the examining boards, Division employees investigate complaints and prosecute violations through formal disciplinary hearings before the appropriate boards when that is required.

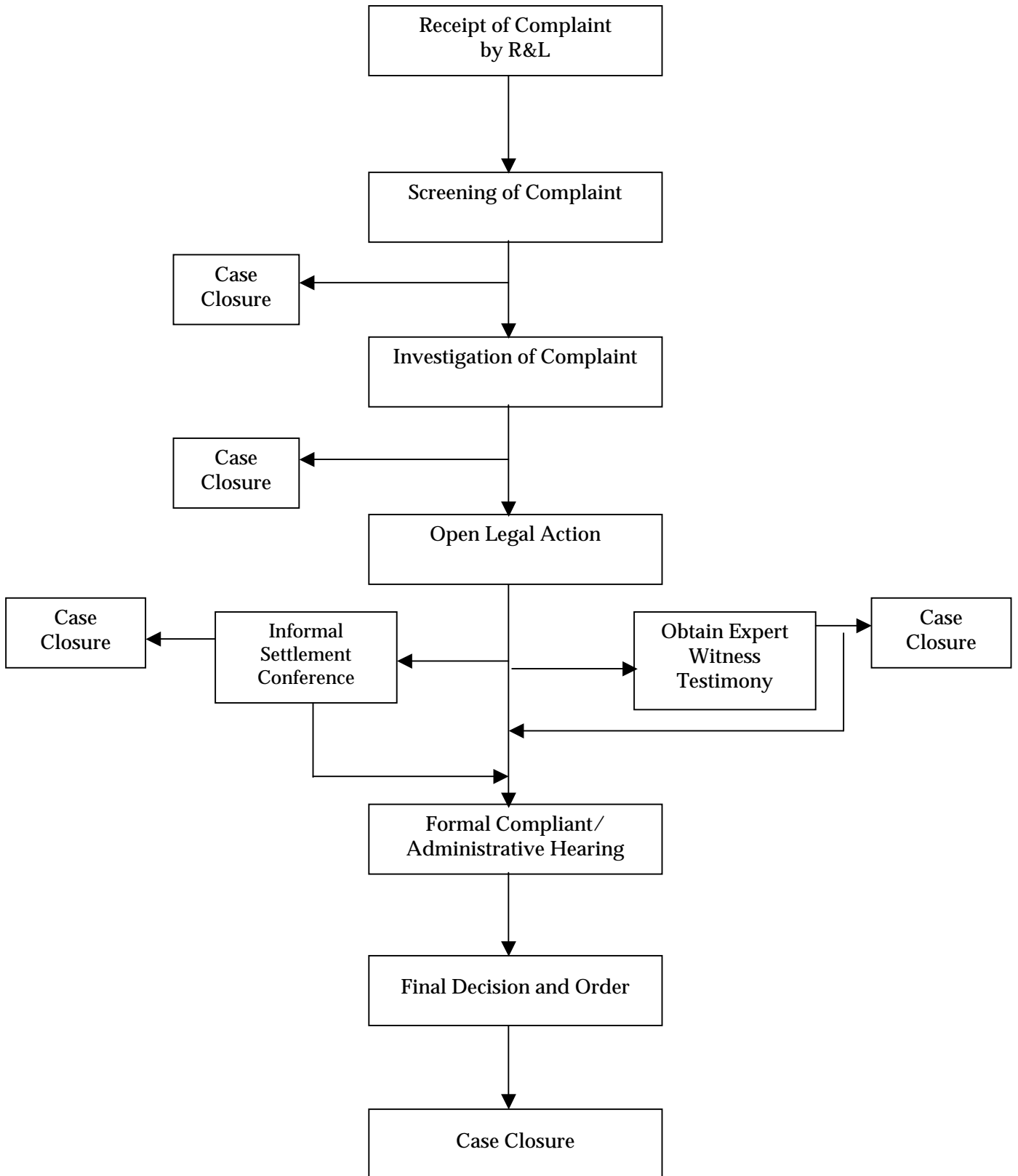
Complaints Against Credential Holders

Licensed individuals and entities are expected to practice within the standards of conduct that are defined by state statutes and administrative rules. In instances, where they engage in "unprofessional conduct," they are subject to disciplinary action. The purposes of disciplinary action is to protect the public, rehabilitate the credential holder and to deter other licensed individuals from committing similar acts. Forms of disciplinary action include reprimands, imposition of license/practice limitations or restrictions, license suspension, license revocation, mandatory remedial education, and monetary forfeitures. Disciplined individuals may also be assessed a portion or the full cost of pursuing the disciplinary action. The disciplinary action review is described in the remainder of this section. Table 3 provides an outline of these steps.

Intake and Screening Stage. On average, 2,150 complaints are received annually. Complaints may be received from any source, although consumer complaints are the most common. Complaints are reviewed by a screening panel that consists of members of the credentialing or discipline authority, and an attorney from the Division of Enforcement.

The screening panel makes an initial determination, if there is reason to believe that a violation of any statute, rule or standard of practice has occurred. If the panel believe that a violation has occurred, the case is opened for further investigation. If the panel determine that a complaint lacks sufficient merit or that the disciplinary authority does not have jurisdiction, the complaint is closed and no further action is pursued.

Table 3: Stages in Enforcement Process



In making this determination, the screening panel takes into consideration such matters as the seriousness of the allegations, the harm or threat of harm posed by the alleged incident, the past handling of similar types of cases, whether the dispute is already resolved, whether the matter is primarily a civil or private dispute, and any other relevant factors identified by the panel. A non-disciplinary letter of education may be sent to the credential holder to make them aware of certain provisions of the statutes or administrative rule that relate to their profession.

The Department does not have jurisdiction in cases involving fee disputes between a credential holder and a client or in cases where the complainant is seeking monetary damages only from the credential holder.

If the screening panel determines that no further action should be taken in regard to a complaint, the parties are notified in writing of the closure of the complaint. Table 4 indicates the number of complaints received since 1997, the number of complaints that were not pursued after screening as well as the percent of cases closed at screening.

Table 4: Screening Complaints

Year	Complaints Received	Complaints Closed at Screening	Percent Closed at Screening
1997	2,027	943	46.5
1998	2,080	1,059	50.9
1999	2,240	1,232	55.0
2000	2,181	1,260	57.7
2001	2,110	1,123	53.2

Investigation Stage. The primary purpose of the investigation is to determine whether the alleged violation can be substantiated and whether the credential holder has committed any violation that would justify taking disciplinary action.

The first step of the investigation process involves the assignment of the case to an investigator, an attorney and a board member (who acts as

an advisor on the case). The board case advisor provides assistance to the investigator and attorney assigned to the case concerning relevant professional standards of practice and conduct.

The assigned investigator is responsible for collecting evidence including interviewing persons who have knowledge of the incident. When adequate evidence has been obtained, the investigator summarizes the results of the investigation and forwards the information to the board case advisor for review and for a recommendation on how to further proceed.

The board case advisor, after reviewing the results of the investigation may recommend that the case either be closed or scheduled for legal action. If closure is recommended, specific reasons for closure must be identified. Closure is accomplished by presenting the case to the appropriate oversight board or to the Department Secretary for their consideration. Once a case has been opened for investigation, only the board or Secretary can close the case. However, if the case advisor recommends formal disciplinary action, then the issues warranting formal action must be identified. Table 5 indicates the number of complaints opened for investigation and the number of cases closed after investigation by year.

Table 5: Complaints Closed After Investigation

Year	Complaints Open for Investigation	Cases Closed After Investigation	Percent Closed After Investigation
1997	1,210	819	67.7%
1998	998	886	88.8
1999	1,030	861	83.6
2000	921	606	65.8
2001	880	516	58.6

Legal Action Stage. If the information collected during the investigation stage indicates that a violation has occurred and disciplinary action is warranted, the case progresses to the legal stage. At this point, the attorney and the board case advisor

must decide on the type of discipline that they feel should be imposed on the credential holder. In making this determination, they take into consideration a number of factors including the level and type of unprofessional conduct that occurred, the risk to the public if the person is allowed to continue to practice, the potential for correcting the unprofessional conduct and ensuring it does not occur in the future, and discipline that has been imposed in prior similar type cases

Most cases opened for legal action are resolved by stipulated agreements, by informal settlement conferences or by the issuance of an administrative warning. The majority are resolved through stipulated agreements.

- A stipulated agreement is a concurrence between the parties that is approved by the disciplinary authority and includes a finding of fact, conclusions of law and the specific discipline that is being imposed.
- An informal settlement conference involves voluntary participation by the credential holder in a proceeding before one or more members of the regulatory board. This proceeding provides an opportunity for the credential holder to discuss with the board members the circumstances of the complaint and to provide the board members with the opportunity to make an offer of resolution to the credential holder. No agreement reached at a settlement conference between the credential holder and the disciplinary authority where discipline is imposed is binding until the agreement is put in writing, signed by the credential holder, and accepted by the disciplinary authority.
- An administrative warning may be issued if a determination is made that no further action is warranted because the complaint involves the first occurrence of a minor violation and the issuance of an administrative warning adequately protects the public by putting the credential holder on notice that any subsequent violation may result in disciplinary action being taken.

If a case cannot be resolved at this stage, a formal complaint is issued and the case proceeds to an administrative hearing.

Administrative Hearing Stage. Cases that reach this stage often represent the most serious cases pending before the disciplinary authority and involve a higher level of discipline.

The administrative hearing stage is a formal process governed by Chapter 227 of the statutes. The first step in the process is the filing of a formal administrative complaint by the Division of Enforcement on behalf of the disciplinary authority. The respondent credential holder or the respondent's attorney then files a response to this complaint.

After the formal complaint and response are filed, an administrative law judge sets a prehearing conference to discuss possible ways to resolve the case and to set the hearing schedule. The administrative law judge is a R&L attorney, who presides over the formal hearing process.

Both the complainant and the respondent have the right to depose witnesses that may be called to testify. Both parties have the right to file motions and briefs for the purpose of arguing legal issues relevant to the case.

At any time, the case may be resolved through a stipulated agreement. If an agreement is not reached however, a hearing is held. At the hearing, the parties call and cross-examine witnesses and present evidence. The disciplinary authority has the burden of proving that a violation of a rule or statute occurred.

Following the hearing, the administrative law judge prepares a proposed decision, which is submitted to the board having jurisdiction. Either party may file objections to the proposed decision. The board considers the record in the case and issues a final decision and order. The final decision and order may be appealed to circuit court. Table 6 indicates the number of cases closed formally in

Table 6: Cases Closed at Formal Hearing

Year	Cases Closed Formally
1997	312
1998	359
1999	412
2000	385
2001	319

each year since 1997.

Other Enforcement Activities

The Department is also responsible for the following additional types of enforcement activities:

Inspections

Barbering and Cosmetology. The staff of the Division of Enforcement inspects a sampling of new barbering and cosmetology, aesthetics, electrology, and manicuring establishments to ensure compliance with relevant statutory and administrative code standards of practice and sanitation. Where non-compliance is found, agency staff attempts to bring the licensee into compliance. Where appropriate a complaint may be opened and action pursued by the Barber and Cosmetology Examining Board.

Pharmacy, Drug Distributors/Drug Manufacturers. Pharmacy locations must be inspected and found to meet licensing requirements before they may operate. The Department and the Pharmacy Examining Board use a "self-inspection" procedure for gaining compliance with the laws relating to pharmacies. An applicant for a pharmacy license is required to answer a series of questions and complete a self-inspection report. Completion of the application form and signing of the inspection and affidavit of inspection will lead to the issuance of a license. The Division of Enforcement is required to

inspect the pharmacy within one year of receipt of the approved application and inspection.

Before a license is granted, drug distributors must pass an inspection of the facility to determine if the location meets relevant state and federal statutory and regulatory standards for their operation.

Funeral Establishments. Funeral establishments may not open for business unless a permit has been obtained from the Funeral Directors Examining Board. To obtain the permit, an application must be submitted and approved by the Board and an inspection is required. Prior to granting a permit to a licensed funeral establishment following a change in ownership, the Board reviews the application to determine if an inspection is necessary.

Audits

The Division of Enforcement is responsible for auditing auctioneer records related to all down payments, earnest money deposits or other trust accounts; real estate broker trust accounts; and cemetery pre-need seller's records, trust funds and accounts. Division staff audit these trust accounts on a regular basis and also conduct special audits necessary to investigate complaints filed against credential holders. In 2001, the Division audited approximately 150 trust accounts.

Monitoring of Disciplinary Orders

Disciplinary orders and board orders often include conditions and restrictions that credential holders must meet in order to return to practice or to continue to practice. The Division of Enforcement is responsible for monitoring the credential holder's compliance with these orders. Approximately 700 credential holders are currently being monitored.

Unlicensed Practice Enforcement

R&L also investigates complaints alleging the unlicensed practice of any occupation regulated by the Department or the boards. The Division of En-

forcement investigates, holds hearings and makes findings of fact regarding an alleged unlicensed practice. Based on those findings, R&L may issue a special order enjoining an individual from engaging in the unlicensed practice and may assess forfeitures for violation of the order. Alternatively, the Department may pursue a temporary restraining order or an injunction from the circuit court enjoining the person from practicing without a license. Violators of a circuit court order or injunction enjoining unlicensed practice are subject to criminal penalties including fines or imprisonment.

Substance Abuse by Credential Holders

The Impaired Professionals Procedure (IPP) unit, in the Division of Board Services, provides an alternative to the formal disciplinary process where credential holders voluntarily seek treatment for substance abuse problems. In cases where there is no evidence that the individual's substance abuse has resulted in substantial harm to the public, the credential holder may participate in this program and avoid public disciplinary proceedings. The IPP provides confidential monitoring of an individual's treatment progress, recovery, and return to professional practice. Under the IPP, the Department also monitors the credential holder's compliance with follow-up treatment requirements.

For medically related professions (physicians, nurses, pharmacists, and veterinarians) monitoring under the IPP lasts five years. For all other credential holders, monitoring generally lasts two years. Those who fail to comply with requirements of the IPP are generally referred to the Division of Enforcement for formal disciplinary proceedings. During the 1999-01 biennium, the last two-year period for which complete data has been compiled for the IPP program, a total of 91 professionals were referred to the Department for review. Of these, 21 professionals successfully completed the program and returned to practice. R&L currently

monitors about 115 credential holders under the IPP program.

Tax Delinquency Enforcement

R&L is required to notify the Department of Revenue (DOR) of all credential renewal requests, and the DOR must certify whether or not the applicant has an outstanding state tax delinquency. If a delinquency is found, R&L may not issue an initial or renewal license until the applicant has either paid the tax liability or entered into a satisfactory repayment arrangement with the DOR. The Departments of Workforce Development; Financial Institutions; Public Instruction; Administration; Commerce; Natural Resources; Transportation and Health and Family Services, as well as the Ethics Board, the Board of Commissions of Public Lands and the Office of the Commissioner of Insurance are also required to request information from the Department of Revenue on the applicant's tax delinquency status. From the start of this program in February, 1996, through September 30, 2002, repayments have totaled \$7,692,895. In the 2001-02 fiscal year repayments totaled \$1,619,529.

Child Support Payment Enforcement

Similar to the responsibilities placed on R&L related to tax delinquency enforcement requirements, provisions of 1997 Wisconsin Act 191 directed R&L not to issue or renew a credential, if the individual is delinquent in paying child support or has failed to comply with a subpoena or warrant related to paternity or support proceedings. The determination of whether a credential holder or applicant is delinquent in paying or has failed to comply with a child support order is determined by the Department of Workforce Development. Upon notification by that agency, R&L is required to restrict, limit or suspend a credential, or deny an application or renewal.

Criminal Background Checks

The Legislature has established two requirements for criminal background checks on selected credential holders. The first, enacted as part of 1995 Wisconsin Act 461, required R&L to conduct criminal records checks. Initially this provision applied only to private detective and security guard credential applicants. Then, 1997 Wisconsin Act 27 granted permissive authority to R&L to review the criminal records of any profession regulated by the Department, an examining board, or an affiliated credentialing board when the investigation appears warranted.

The criminal record background check for private detectives and private security guards consists of a review of Department of Justice (DOJ) records and a check of FBI fingerprint records. As part of the initial licensing process, private detective and private security guard applicants are checked against a DOJ database of individuals convicted of crimes in Wisconsin. If the DOJ database does not identify a criminal conviction record, the applicant is issued a credential. If the applicant has had a felony conviction, R&L is prohibited by statute from issuing a credential. If the applicant has had a misdemeanor conviction, R&L may issue a credential depending on the nature of the offense.

The Department also submits fingerprints of potential private detectives and security guards to the FBI. However, because it takes the FBI between three to five months to reply, a credential is issued provided the applicant clears the DOJ records check. If the FBI search subsequently uncovers a felony record, the credential will be revoked and disciplinary action will be pursued.

Under 1997 Wisconsin Act 27, R&L may charge applicants for these background checks to recoup its administrative costs. The fee for 2001-03 is \$6 for the DOJ background check and \$26 for the FBI fingerprint search. A total of \$105,100 was collected in 2001-02 from such fees. These monies are deposited

in a separate appropriation established to pay for obtaining criminal background checks.

The second criminal record background check requirement, established in 1997 Wisconsin Act 27 and modified by 1999 Wisconsin Acts 8 and 9, applies to individuals who work in child care, long-term care, or health care facilities. License holders, employees and non-client residents of these facilities must have their credential status, criminal backgrounds and records of any instances of client neglect and abuse or misappropriation of client property checked prior to being granted licensure, employment or residency. The background check is required to be repeated when licensure is renewed and every four years for employees and non-client residents.

Three agencies are involved in the processing of these background checks. The Department of Justice (DOJ) checks the person's criminal record, while the Department of Health and Family Services (DHFS) checks several databases, such as the nurse aide registry, for any substantiated finding of abuse, neglect or misappropriation of property. R&L's role is to check if individuals working in health care facilities in professions regulated by R&L are valid credential holders and whether there have been any substantiated findings that a credential holder has engaged in a prohibited practice.

The review process depends on whether the background check is for a provider, employee or non-client resident. For employees, the facility is required to send the request for a background check to DOJ, which will conduct the criminal record check. A linked computer system will forward the request to DHFS and R&L to enable these agencies to perform their part of the background check. Results of the background check are returned to the employer in two separate letters--one from DOJ for the results of the criminal record check, and one from DHFS that will report other findings or license limitations. In the case of license holders and non-client residents, the request for the background check is sent to DHFS, which coordinates all the checks and reports all of the re-

sults in a single correspondence.

The facility may not hire or employ the person or allow a non-client resident to reside at the facility and DHFS may not license or certify the provider if the background checks show:

- a. The person has been convicted of a "serious crime," as defined by statute;
- b. A unit of government or state agency has made a finding that the person has abused or neglected any client or misappropriated the property of any client;
- c. A determination has been made under the child abuse and neglect statute that the person has abused or neglected a child; or
- d. In the case of a position for which the person must be credentialed by R&L, the person's credential is not current or is limited so as to restrict the person from providing adequate care to a client.

Act 27 also required home health agencies, nursing homes, hospitals, community-based residential facilities, adult day care centers, adult family homes, assisted living facilities, hospices, treatment facilities, personal care agencies and supportive care agencies to report to DHFS any allegations of client abuse or neglect or misappropriation of client property by a person credentialed by R&L. Further, R&L is required to investigate any such complaint received and record any findings of such abuse, neglect or misappropriation of client property and report such findings to DHFS upon request.

Small Business Review Advisory Committee

In October, 1983, the Legislature amended the administrative rule-making statutes to require state agencies to consider the potential impact of any

proposed administrative rules on small businesses. In response to that requirement, R&L established a Small Business Review Advisory Committee, comprised of 10 members from the business and professional communities, to review and evaluate the small business impact of all administrative rules proposed by individual boards or the Department. If the Committee finds that a proposed rule has a potential impact on small businesses, it recommends methods of reducing that impact. While the Committee's recommendations are non-binding, the Department or board may revise the proposed rule in light of those recommendations. During 1999-01, the last biennium for which complete data is available, the Committee reviewed 63 proposed administrative rules for this purpose.

Agency Funding

The Department of Regulation and Licensing is funded entirely from program revenues, primarily collected from examination, initial credential and renewal fees. Ten percent of the initial credential and renewal fees collected by R&L is also deposited to the state's general fund and the remaining ninety percent is credited to the agency's appropriation for general operations. Provisions of 1999 Wisconsin Act 9 and 2001 Wisconsin Act 16 directed that ten percent of all examination fees and all background investigation fees, respectively, be deposited to the general fund. In 2001-02 a total of \$1,903,000 was credited to the general fund.

Each first-time applicant must pay an initial fee when submitting application materials for an initial credential. The initial credential fee represents shared administrative costs attributable to new credential holders, such as the costs of processing applications and determining eligibility, divided among all new credential holders. For the 2001-03 biennium, the initial fee was set by statute at \$53.

Candidates for a credential requiring an examination must pay an examination fee equal to R&L's

estimated cost of preparing, administering and grading the examination or obtaining and administering an examination from a test service. Examination fees are determined separately for each type of credential and are set by administrative rule. First-time applicants for a credential requiring an examination pay both the initial fee and the appropriate examination fee. Candidates not taking an examination pay only the initial credential fee.

Occupational credentials are generally renewed biennially. The statutes establish a uniform renewal date for all the credential holders in each regulated profession. These renewal dates fall throughout the biennium and generate a significant portion of R&L's revenue stream. Currently, the Department collects approximately 54% of its credential renewal fee revenue during the first fiscal year of the biennium, with the remaining 46% collected during the second fiscal year of the biennium. Appendix V shows the number of new licenses and renewals by occupation or business over the last three biennia.

Renewal fees are set by statute. Since the 1991-93 biennium, the Department has utilized a variable rather than a uniform renewal fee structure. Under a uniform fee structure, all credential holders pay the same renewal fee regardless of the actual costs of regulating their particular profession. Under R&L's current renewal fee methodology, a profession's total renewal fee consists of two components: a fixed administrative cost portion and a variable cost portion based on enforcement activities.

The fixed portion of the renewed fee represents shared administrative costs, such as agencywide services, which benefit all boards and credential holders. These common shared-cost items are divided among all those credential holders expected to renew. For the 2001-03 biennium, the fixed cost portion of the fee was \$53 per credential.

The variable portion of the renewal fee consists of each profession's proportionate share of selected enforcement costs divided by the number of cre-

dential holders in the profession. This two-part fee structure relates the renewal fees charged to a credential holder more closely to the actual costs of regulating the credential holder's specific profession. Thus, credential holders in professions requiring greater enforcement resources will pay proportionately higher renewal fees than those in professions incurring minimal enforcement costs. For the 2001-03 biennium, the variable cost portion of the fee added from \$0 to \$290 to the cost of the credential, depending on the enforcement experience of the occupation.

Appendix VI lists the specific renewal fee amounts by credential type for the 1999-01 biennium and the 2001-03 biennium. Incorporated into the renewal fees shown in Appendix VI for real estate corporations or partnerships, real estate brokers and real estate salespersons is a \$10 surcharge to finance the Center for Urban Land Economics Research at the University of Wisconsin-Madison.

The Department recovers the costs of background checks for security guards and private detectives, and other regulated professionals where a background check may be instituted, through the assessment of a background check fee. Other minor sources of income for R&L derive from the sale of study guides, penalties charged for late renewal, and fees for wall certificates, reciprocal credentials and the endorsement of credential holders to other states. Table 7 shows the Department's fiscal year 2001-02 balance statement.

Recent Legislative Activity

Legislation passed by the 2001 Legislature has resulted in a number of changes to occupational licensing.

Newly Regulated Professions

New state licensure provisions have affected the following professions:

Table 7: Balance Statement -- Fiscal Year 2001-02

Opening Balance	\$2,475,000
Revenue	
Examination Fees	\$1,402,700
Credential Renewal Fees	12,685,400
Criminal Records Check Fees	113,800
Cost Assessments	57,600
Other Fees	299,700
Other Revenues	16,700
Refunds	-44,800
Initial Credential Fees	878,500
Sales to the Public	<u>158,200</u>
Total Revenue Collected	\$15,567,800
Net Revenues	\$18,042,800
Costs	
Treasury Transfers (GPR-Earned)	\$1,903,000
Expenditures and Encumbrances	<u>11,035,900</u>
Closing Balance	\$5,103,900

Perfusionists. Provisions of 2001 Wisconsin Act 89 created a perfusionist license and a temporary license to practice perfusion. It also created the Perfusionist Examining Council as an advisory council to the Medical Examining Board.

Physical Therapist Assistants. Provisions of 2001 Wisconsin Act 70 created a license for physical therapist assistants, first effective May 1, 2004. The Act also required the Physical Therapist Affiliated Credentialing Board to adopt rules creating a code of ethics and requiring proof of continued competence to renew a physical therapist assistants license.

Appendix VII lists the professional occupations which have become regulated in Wisconsin during the past 10 years.

Other Major Legislative Changes

Massage Therapists. Provisions of 2001 Wisconsin Act 74 created a seven-member council that is advisory to the Department. It also changed the type of credential from a "license of registration" to a "certificate." In addition, R&L must promulgate rules that require an applicant to pass an examination on state laws and administrative rules governing massage therapy or bodywork.

Psychotherapy Licensing. A provision of 2001 Wisconsin Act 80 changed the name of the Social Workers, Marriage and Family Therapists, Professional Counselors Examining Board to the Marriage and Family Therapy, Profession Counseling, and Social Work Examining Board. Act 80 provided for rulemaking specifically directed at psychotherapy and psychometric testing. It also established a specialty credential for registered music, art or dance therapists with a psychotherapy license.

Public Accountants and Accounting Services Corporations. Provisions of 2001 Wisconsin Act 16 repealed the Accounting Examining Boards authority to grant certificates to practice as a public accountant as of October 1, 2002. Act 16 also (1) granted corporations the ability to organize as an accounting services corporation if more than 50% of the shareholders were certified public accountants; (2) established peer review of certified public accountant firms beginning on January 1, 2005; (3) required the Accounting Examining Board to establish accounting standards consistent with various national organizations; and (4) defined accounting services that can be provided without licensure.

APPENDIX I

Professional Boards and the Occupations Regulated

Board	Attached Councils or Affiliated Boards	Types of Licenses Under Board	Number of Board Members	Composition and Qualifications of Board Members	Member's Term in Office (Years)	Notes
Accounting Examining Board	None	Certified Public Accountant Public Accountant Accounting Firms	7	5 certified public accountants and 2 public members.	4	
Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors Examining Board	None	Architect Architectural/Engineering Corporation Landscape Architect Professional Engineer Engineer-in-training Designer Land Surveyor	25	3 architects, 3 landscape architects, 3 professional engineers, 3 designers, 3 land surveyors (all of the above must be licensed) and 10 public members.	4	
Auctioneer Board	None	Auctioneer Auction Company	7	4 licensed auctioneers or auction company representatives and 3 public members.	4	No rule-making authority. Advisory to the Department on all matters except discipline.
Barbering and Cosmetology Examining Board	None	Aesthetics Instructor Aesthetics School Aesthetics Specialty School Barber or Cosmetologist Barber or Cosmetology Manager Barber or Cosmetology Instructor Barber or Cosmetology School Barber or Cosmetology Establishment Aesthetician Aesthetics Establishment Electrologist Electrology Establishment Electrology Instructor Electrology School Manicurist Manicuring Establishment Manicuring Instructor Manicuring School Manicuring Specialty School	9	4 licensed barbers or cosmetologists, 1 representative of a private school of barbering or cosmetology, 1 representative of a public school of barbering or cosmetology, 1 licensed electrologist and 2 public members.	4	Except for the 2 members representing schools, no member may be connected with or have financial interest in a barbering or cosmetology school.

APPENDIX I (continued)

Professional Boards and the Occupations Regulated

Board	Attached Councils or Affiliated Boards	Types of Licenses Under Board	Number of Board Members	Composition and Qualifications of Board Members	Member's Term in Office (Years)	Notes
Chiropractic Examining Board	None	Chiropractor	6	4 members, who are graduates of a school of chiropractic and licensed in the state and 2 public members without financial interest in a chiropractic school.	4	
Dentistry Examining Board	None	Dentist Dental Hygienist	11	6 licensed dentists, 3 licensed dental hygienists and 2 public members.	4	
Funeral Directors Examining Board	None	Funeral Director Funeral Director in Good Standing (Inactive) Funeral Establishment	6	4 licensed funeral directors and 2 public members.	4	
Geologists, Hydrologists and Soil Scientists Examining Board	None	Geology Firm/Corp/Partnership Hydrology Firm/Corp/Partnership Professional Geologist Professional Hydrologist Professional Soil Scientist Soil Scientist Firm/Corp/Partnership	12	3 licensed geologists, 3 licensed hydrologists, 3 licensed soil scientists, 3 public members.	4	
Hearing and Speech Examining Board	1 Council	Hearing Instrument Specialist Speech-Language Pathologist Audiologist	8	3 licensed hearing instrument specialists, 1 otolaryngologist, 1 audiologist, 1 speech-language pathologist and 2 public members.	4	See Appendix II for attached council membership and function.
Marriage and Family Therapy, Professional Counseling and Social Work Examining Board	None	Marriage and Family Therapist Professional Counselor Social Worker Advanced Practice Social Worker Independent Social Worker Independent Clinical Social Worker	13	3 licensed marriage and family therapists, 4 licensed social workers, 3 licensed professional counselors and 3 public members.	4	

APPENDIX I (continued)

Professional Boards and the Occupations Regulated

Board	Attached Councils or Affiliated Boards	Types of Licenses Under Board	Number of Board Members	Composition and Qualifications of Board Members	Member's Term in Office (Years)	Notes
Medical Examining Board	3 Councils and 5 Affiliated Credentialing Boards	Athletic Trainer Dietitian Occupational Therapist Occupational Therapist Assistant Perfusionist Physical Therapist Physician (MD) Physician (DO) Physician Assistant Podiatrist Respiratory Care Practitioner	13	9 licensed medical doctors, 1 doctor of osteopathy and 3 public members. Nonvoting member: chairperson of the patient's compensation fund peer review council.	4	See Appendix II for attached council's membership and function.
Nursing Board of	2 Councils	Registered Nurse Licensed Practical Nurse Nurse-Midwife Advanced Practice Nurse Prescriber	9	5 licensed registered nurses, 2 licensed practical nurses and 2 public members. Nurse members must be graduates of accredited nursing programs.	4	See Appendix II for attached council membership and function.
Nursing Home Administrators Examining Board	None	Nursing Home Administrator	9	5 licensed nursing home administrators, 1 physician, 1 licensed nurse and 2 public members. Nonvoting member: Secretary of Health and Social Services or a designee.	4	No more than 2 members may be elected officials or full-time state employees.
Optometry Examining Board	None	Optometrist	7	5 licensed optometrists and 2 public members.	4	
Pharmacy Examining Board	1 Advisory Council	Pharmacist Pharmacy Drug Distributor Drug Manufacturer	7	5 licensed pharmacists and 2 public members.	4	
Psychology Examining Board	None	Psychologist School Psychologist	6	4 licensed psychologists, each in a different specialty area, and 2 public members.	4	

APPENDIX I (continued)

Professional Boards and the Occupations Regulated

Board	Attached Councils or Affiliated Boards	Types of Licenses Under Board	Number of Board Members	Composition and Qualifications of Board Members	Member's Term in Office (Years)	Notes
Real Estate Appraisers Board	None	General Appraiser Residential Appraiser Licensed Appraiser	7	1 certified general appraiser, 1 certified residential appraiser, 1 licensed appraiser, 1 assessor and 3 public members.	4	No rule-making authority. Advisory to the Department on all matters except discipline.
Real Estate Board	1 Council	Broker Salesperson Corporation Partnership Time-Share Salesperson	7	4 licensed real estate brokers or salespersons and 3 public members.	4	No rule-making authority. Advisory to the Department on all matters except discipline. See Appendix II for attached council membership and function.
Veterinary Examining Board	None	Veterinarian Veterinary Technician	8	5 licensed veterinarians, 1 veterinarian technician and 2 public members.	4	No member may have a financial interest in a school teaching veterinary medicine.

APPENDIX II

Attached Councils, Examining Councils and Affiliated Credentialing Boards

Board	Attached Councils/Boards	Number of Members	Member's Term in Office (Years)	Membership	Duties
Hearing and Speech Examining Board	Council on Speech-Language Pathology and Audiology	5	3	3 registered speech-language pathologists and 2 registered audiologists. All appointed by the Governor.	Advises examining board on: (1) code of ethics; (2) imposition of discipline; (3) granting of certificates of registration; and (4) formulation of rules.
Medical Examining Board	Athletic Trainers Affiliated Credentialing Board	6	4	4 licensed athletic trainers, 1 person licensed to practice medicine and surgery with athletic trainer experience, 1 public member.	Licenses athletic trainers. Develops a form for recording practice protocols. Establishes liability insurance minimums for licensees.
	Dietitians Affiliated Credentialing Board	4	4	3 certified dietitians and 1 public member. All appointed by the Governor.	Certifies dietitians. Establishes criteria for approval of educational and training programs and code of ethics to govern the professional conduct of dietitians.
	Occupational Therapists Affiliated Credentialing Board	7	4	3 licensed occupational therapists, 2 licensed occupational therapist assistants, 2 public members	Licenses occupational therapists. Sets standards of professional conduct. Takes disciplinary action against licensees.
	Physical Therapists Affiliated Credentialing Board	4	4	3 licensed physical therapists and 1 public member. All appointed by the Governor.	Licenses physical therapists. Sets standards of professional conduct. Takes disciplinary action against licensees.
	Physician Assistants, Council on	5	2	3 physician assistants selected by the Medical Examining Board; the Vice Chancellor for Health Sciences of the University of Wisconsin-Madison or designee, and 1 public member appointed by the Governor.	Advises the Medical Examining Board on rules for physician assistants.
	Perfusionists Examining Council	5	3	3 licensed perfusionists, 1 physician who is a cardiothoracic surgeon or a cardiovascular anesthesiologist, all appointed by the Medical Examining Board and 1 public member appointed by the Governor.	Advises the Medical Examining Board on rules for perfusionist.
	Podiatrists Affiliated Credentialing Board	4	4	3 licensed podiatrists appointed by the Medical Examining Board and 1 public member appointed by the Governor.	Licenses podiatrists. Establishes continuing education requirements. Takes disciplinary action against licensees.
	Respiratory Care Practitioners Examining Council	5	3	3 certified respiratory care practitioners, each with at least 3 years of experience, 1 physician, all appointed by the Medical Examining Board and 1 public member appointed by the Governor.	Advises examining board on (1) code of ethics; (2) imposition of discipline; (3) granting of licenses; and (4) formulation of rules.

APPENDIX II (continued)

Attached Councils, Examining Councils and Affiliated Credentialing Boards

Board	Attached Councils/Boards	Number of Members	Member's Term in Office (Years)	Membership	Duties
Nursing, Board of	Examining Council on Registered Nurses	4	4	4 registered nurses with 3 years of experience. All appointed by the Board of Nursing.	Advisory to the board.
	Examining Council on Licensed Practical Nurses	5	3	3 licensed practical nurses and 2 registered nurses, one of whom is a faculty member at an accredited school for practical nursing. No member may also be a member of the Examining Council on Registered Nurses. All appointed by the Board of Nursing.	Advisory to the board.
Pharmacy Examining Board	Pharmacist Advisory Council	4	3	2 licensed pharmacists selected by the Chairman of the Pharmacy Examining Board; 1 licensed physician selected by the Chairperson of the Medical Examining Board; 1 licensed nurse appointed by the Chairperson of the Board of Nursing	Advisory to the board.
Real Estate Board	Council on Real Estate Curriculum and Examinations	7	4	5 licensed real estate brokers or salespersons including 1 member of the Real Estate Board, 2 brokers with 5 years experience, and 1 real estate salesperson with 2 years of experience, 2 public members including one with 2 years experience in planning or presenting real estate education programs. All appointed by the Governor.	Advisory to the board.
Special Use Authorizations					
Controlled Substances Board	None	6	3	Attorney General, Secretary of Health and Family Services, Secretary of Agriculture, Trade and Consumer Protection, Chair of Pharmacy Examining Board, 1 psychologist and 1 pharmacologist	Advises R&L boards on matters relating to controlled substances. Approves special use permits for controlled substances.

APPENDIX III

Advisory Committees to the Department

Accounting Examining Board Ethics Advisory Committee

Acupuncture Advisory Committee

Auctioneer Rules Advisory Committee

Cemetery Advisory Committee

Direct Licensing Enforcement Advisory Committee

Home Inspector Advisory Committee

Interior Designers Advisory Committee

Massage Therapy & Body Worker Advisory Committee

Music, Art, and Dance Therapists Advisory Committee

Private Detective Advisory Committee

Private Security Advisory Committee

Real Estate Appraisers Education Advisory Committee

Real Estate Contractual Forms Advisory Committee

APPENDIX IV

Occupations and Activities Currently Credentialed (as of January 1, 2003)

Occupations/Activities	Directly Credentialed by Department	Board Credentialed	Board Responsible for Credentialed
Accountant, Certified Public		x	Accounting Examining Board
Accountant, Public (repealed 10-1-02)		x	Accounting Examining Board
Accounting Corporation or Partnership		x	Accounting Examining Board
Acupuncturist	x		
Aesthetician		x	Barbering and Cosmetology Examining Board
Aesthetics Establishment		x	Barbering and Cosmetology Examining Board
Aesthetics Instructor		x	Barbering and Cosmetology Examining Board
Aesthetics School		x	Barbering and Cosmetology Examining Board
Aesthetics Specialty School		x	Barbering and Cosmetology Examining Board
Appraiser-Certified General Real Estate	x		
Appraiser-Certified Residential Real Estate	x		
Appraiser-Licensed Real Estate	x		
Architect		x	Architects, Landscape Architects, Professional Engineers, Designers & Land Surveyors Examining Board
Architectural/Engineering Corporation		x	Architects, Landscape Architects, Professional Engineers, Designers & Land Surveyors Examining Board
Art Therapist	x		
Athletic Trainers		x	Medical Examining Board
Auction Company	x		
Auctioneer	x		
Audiologist		x	Hearing and Speech Examining Board
Barber or Cosmetologist		x	Barbering and Cosmetology Examining Board
Barbering or Cosmetology Establishment		x	Barbering and Cosmetology Examining Board
Barbering or Cosmetology Instructor		x	Barbering and Cosmetology Examining Board
Barbering or Cosmetology Manager		x	Barbering and Cosmetology Examining Board
Barbering or Cosmetology School		x	Barbering and Cosmetology Examining Board
Boxer	x		
Boxing Clubs	x		
Cemetery Authority	x		
Cemetery Preneed Seller	x		
Cemetery Salesperson	x		
Charitable Organization	x		
Chiropractor		x	Chiropractic Examining Board
Counselor, Professional		x	Social Workers, Marriage & Family Therapists and Professional Counselors Examining Board
Dance Therapist	x		
Dental Hygienist		x	Dentistry Examining Board
Dentist		x	Dentistry Examining Board
Designer of Engineering Systems		x	Architects, Landscape Architects, Professional Engineers, Designers & Land Surveyors Examining Board
Dietitian		x	Dietitians Affiliated Credentialing Board
Drug Distributor		x	Pharmacy Examining Board
Drug Manufacturer		x	Pharmacy Examining Board
Electrologist		x	Barbering and Cosmetology Examining Board
Electrology Establishment		x	Barbering and Cosmetology Examining Board
Electrology Instructor		x	Barbering and Cosmetology Examining Board
Electrology School		x	Barbering and Cosmetology Examining Board
Electrology Specialty School		x	Barbering and Cosmetology Examining Board
Engineer, Professional		x	Architects, Landscape Architects, Professional Engineers, Designers & Land Surveyors Examining Board
Fund-Raiser, Professional	x		
Fund-Raising Counsel	x		
Funeral Director		x	Funeral Directors Examining Board
Funeral Establishment		x	Funeral Directors Examining Board

APPENDIX IV (continued)

Occupations and Activities Currently Credentialed

Occupations/Activities	Directly Credentialed by Department	Board Credentialed	Board Responsible for Credentialing
Geologist, Professional		x	Professional Geologists, Hydrologists, and Soil Scientists Examining Board
Geology Firm/Corporation		x	Professional Geologists, Hydrologists, and Soil Scientists Examining Board
Hearing Instrument Specialist		x	Hearing and Speech Examining Board
Home Inspector	x		
Hydrologist, Professional		x	Professional Geologists, Hydrologists, and Soil Scientists Examining Board
Hydrology Firm/Corporation		x	Professional Geologists, Hydrologists, and Soil Scientists Examining Board
Interior Designer	x		
Landscape Architect		x	Architects, Landscape Architects, Professional Engineers, Designers & Land Surveyors Examining Board
Land Surveyor		x	Architects, Landscape Architects, Professional Engineers, Designers & Land Surveyors Examining Board
Manicuring Establishment		x	Barbering and Cosmetology Examining Board
Manicuring Instructor		x	Barbering and Cosmetology Examining Board
Manicuring School		x	Barbering and Cosmetology Examining Board
Manicuring Specialty School		x	Barbering and Cosmetology Examining Board
Manicurist		x	Barbering and Cosmetology Examining Board
Marriage and Family Therapist		x	Marriage and Family Therapy, Professional Counseling & Social Work Examining Board
Massage Therapist or Bodyworker	x		
Music Therapist	x		
Nurse, Advanced Practice Prescriber		x	Board of Nursing
Nurse, Licensed Practical		x	Board of Nursing
Nurse, Registered		x	Board of Nursing
Nurse-Midwife		x	Board of Nursing
Nursing Home Administrator		x	Nursing Home Administrators Examining Board
Occupational Therapist		x	Medical Examining Board
Occupational Therapy Assistant		x	Medical Examining Board
Optometrist		x	Optometry Examining Board
Perfusionist		x	Medical Examining Board
Pharmacist		x	Pharmacy Examining Board
Pharmacy		x	Pharmacy Examining Board
Physical Therapist		x	Physical Therapist Affiliated Credentialing Board
Physical Therapist Assistant		x	Physical Therapist Affiliated Credentialing Board
Physician		x	Medical Examining Board
Physician Assistant		x	Medical Examining Board
Podiatrist		x	Podiatrists Affiliated Credentialing Board
Private Detective	x		
Private Detective Agency	x		
Private Practice School Psychologist		x	Psychology Examining Board
Private Security Person	x		
Psychologist		x	Psychology Examining Board
Real Estate Broker	x		
Real Estate Business – Corporation/Partnership	x		
Real Estate Salesperson	x		
Respiratory Care Practitioner		x	Medical Examining Board
Social Worker		x	Marriage and Family Therapy, Professional Counseling & Social Work Examining Board
Social Worker, Advanced Practice		x	Marriage and Family Therapy, Professional Counseling & Social Work Examining Board

APPENDIX IV (continued)

Occupations and Activities Currently Credentialed

Occupations/Activities	Directly Credentialed by Department	Board Credentialed	Board Responsible for Credentialing
Social Worker, Independent		x	Marriage and Family Therapy, Professional Counseling & Social Work Examining Board
Social Worker, Independent Clinical		x	Marriage and Family Therapy, Professional Counseling & Social Work Examining Board
Soil Scientist		x	Professional Geologists, Hydrologists, and Soil Scientists Examining Board
Soil Science Firm or Corporation		x	Professional Geologists, Hydrologists, and Soil Scientists Examining Board
Speech-Language Pathologist		x	Hearing and Speech Examining Board
Time-Share Salesperson	x		
Veterinarian		x	Veterinary Examining Board
Veterinary Technician		x	Veterinary Examining Board

APPENDIX V

Number of Credential Holders By Type of Activity

Type of Occupation/Activity	1995-97		1997-99		1999-01	
	New	Renewal	New	Renewal	New	Renewal
Accountant, Certified Public	1,031	9,532	1,001	9,789	1,023	10,634
Accounting Corporation or Partnership	39	385	33	371		
Acupuncturist	43	125	62	122	52	223
Aesthetician	79	104	103	108	171	328
Aesthetics Establishment	28	19	46	5	60	63
Aesthetics Instructor	2	4	3	4	6	12
Aesthetics School*	1	2	0	2	2	4
Appraiser, Certified General Real Estate	157	604	162	491	132	597
Appraiser, Certified Residential Real Estate	93	926	76	840	73	845
Appraiser, Licensed Real Estate	92	712	155	318	150	420
Architect	432	4,168	383	4,093	341	4,468
Architectural/Engineering Corporation	127	939	130	846		
Art Therapist	NA	NA	NA	NA	43	NA
Athletic Trainer	NA	NA	NA	NA	259	NA
Auction Company	49	131	38	123	34	155
Auctioneer	319	940	228	768	184	914
Audiologist	37	222	55	208	59	268
Barber and Cosmetologist	1,581	18,613	1,688	15,086	1,587	17,613
Barber and Cosmetology Establishment	1,425	5,606	1,925	4,058	1,448	5,939
Barber and Cosmetology Instructor	49	428	62	336	58	441
Barber and Cosmetology Manager	686	14,787	994	13,329	852	14,765
Barber and Cosmetology School	2	17	5	11	6	26
Boxers	36	10	26	0	46	0
Boxing Club	4	13	5	0	2	0
Cemetery Authority	2	72	1	55	2	69
Cemetery Preneed Seller	121	162	212	133	115	118
Cemetery Salesperson	141	182	185	21	124	112
Charitable Organization	660	5,229	575	4,014	754	8,507
Chiropractor	194	1,708	155	1,632	178	1,821
Counselor, Professional	815	1,786	183	1,913	205	2,151
Dance Therapist	NA	NA	NA	NA	4	NA
Dental Hygienist	399	3,738	402	3,845	390	4,147
Dentist	220	4,862	227	4,422	245	4,444
Designer of Engineering Systems	112	815	170	801	94	927
Dietitian	1,310	0	96	1,151	128	1,241
Drug Distributor	204	403	188	355	180	494
Drug Manufacturer	5	38	19	32	19	46
Electrologist	43	364	14	292	14	298
Electrology Establishment	48	138	68	72	42	132
Electrology Instructor	0	6	0	5	0	5
Electrology School*	0	3	1	1	0	2
Engineer, Professional	1,371	18,175	1,205	17,068	1,319	18,014
Fund-Raiser, Professional	42	88	28	72	38	88
Funeral Director	98	1,484	103	1,177	99	1,227
Funeral Establishment	80	566	127	432	70	588
Geologist, Professional	863	249	35	1,004	32	1,014
Hearing Instrument Specialist	62	467	56	394	21	409
Interior Designer	392	0	26	334	10	333

APPENDIX V (continued)

Number of Credential Holders By Type of Activity

Type of Occupation/Activity	1995-97		1997-99		1999-01	
	New	Renewal	New	Renewal	New	Renewal
Landscape Architect	255	128	28	353	32	401
Land Surveyor	90	1,427	112	1,389	116	1,472
Manicuring Establishments	441	224	506	440	436	487
Manicuring Instructor	1	15	8	4	9	21
Manicuring School*	1	4	2	2		
Manicurist	975	1,285	846	1,067	746	2,062
Marriage and Family Therapist	127	408	20	461	44	468
Massage Therapist or Bodyworkers	NA	NA	1,021	0	1,202	1,705
Music Therapist	NA	NA	NA	NA	34	NA
Nurse, Advanced Practice Prescriber	704	145	577	788	466	1,551
Nurse, Licensed Practical	1,097	15,439	1,018	13,747	1,073	14,774
Nurse, Registered	6,412	60,787	5,983	59,485	6,003	63,776
Nurse-Midwife	24	67	22	73	30	94
Nursing Home Administrator	129	1,085	138	927	111	975
Occupational Therapist	433	2,275	479	2,404	435	2,655
Occupational Therapy Assistant	249	996	236	1,067	187	1,161
Optometrist	60	1,241	96	1,125	97	1,185
Pharmacist	360	5,388	357	5,351	406	5,442
Pharmacy	188	1,240	216	1,057	186	1,172
Physical Therapist	615	3,515	631	3,676	443	4,003
Physician	2,181	17,179	2,209	16,296		
Physician Assistant	140	619	145	679	277	785
Podiatrist	30	306	37	270	46	289
Private Detective	372	1,146	285	655	240	802
Private Detective Agencies	224	579	177	401	141	507
Psychologist	122	1,379	142	1,311	149	1,373
Real Estate Broker	977	16,587	870	12,824	799	12,880
Real Estate Business - Corporation	372	1,632	412	1,632	430	1,912
Real Estate Business - Partnership	24	100	a	a	a	a
Real Estate Salesperson	3,320	8,605	3,106	6,222	2,867	8,475
Respiratory Care Practitioner	325	1,873	270	1,944	227	2,145
School Psychologist, Private Practice	3	195	3	152	4	135
Social Worker	1,211	5,059	529	5,339	743	5,517
Social Worker, Advanced Practice	440	785	201	847	275	1,109
Social Worker, Independent	126	666	14	643	24	563
Social Worker, Independent Clinical	517	3,832	137	3,741	172	3,648
Social Worker, Trainee	NA	NA	202	0	169	0
Speech-Language Pathologist	366	1,250	305	1,313	285	1,492
Time Share Salesperson	160	136	133	79	198	89
Veterinarian	323	3,057	296	2,918	304	3,022
Veterinary Technician	129	576	126	612	171	744
TOTAL	48,989	237,126	30,017	260,052	30,248	252,793

NA = Not applicable. Profession was not licensed during this period.

* = Includes Specialty Schools

a = Real Estate Business - Partnership and Real Estate Business - Corporation are now combined

APPENDIX VI

Credential Renewal Fees in the 1999-01 and 2001-03 Biennia

Occupation	1999-01	2001-03	Occupation	1999-01	2001-03
Accountant, Certified Public	\$52	\$59	Hydrologist, Professional	\$44	\$53
Accountant, Public (repealed 10-1-02)	44	53	Hydrology Firm/Corporation	44	53
Accounting Corporation or Partnership	47	56	Interior Designer	47	56
Acupuncturist	78	70	Landscape Architect	51	56
Aesthetician	58	87	Land Surveyor	75	77
Aesthetics Establishment	47	70	Manicuring Establishment	44	53
Aesthetics Instructor	47	70	Manicuring Instructor	44	53
Aesthetics School	115	115	Manicuring School	118	118
Aesthetics Specialty School	44	53	Manicuring Specialty School	44	53
Appraiser, Certified General Real Estate	108	162	Manicurist	131	133
Appraiser, Certified Residential Real Estate	114	167	Marriage and Family Therapist	82	84
Appraiser, Licensed Real Estate	134	185	Massage Therapist or Body Worker	44	53
Architect	49	60	Music Therapist	44	53
Architectural/Engineering Corporation	47	70	Nurse, Advanced Practice Prescriber	69	73
Art Therapist, Registered	44	53	Nurse, Licensed Practical	54	69
Athletic Trainer	44	53	Nurse, Registered	52	66
Auction Company	47	56	Nurse-Midwife	47	70
Auctioneer	135	174	Nursing Home Administrator	111	120
Audiologist	100	106	Occupational Therapist	49	59
Barber or Cosmetologist	55	63	Occupational Therapy Assistant	48	62
Barbering or Cosmetology Establishment	47	56	Optometrist	61	65
Barbering or Cosmetology Instructor	91	91	Pharmacist	73	97
Barbering or Cosmetology Manager	68	71	Pharmacy	47	56
Barbering or Cosmetology School	138	138	Physical Therapist	51	62
Cemetery Authority	343	343	Physician	122	106
Cemetery Preneed Seller	61	61	Physician Assistant	59	72
Cemetery Salesperson	90	90	Podiatrist	140	150
Chiropractor	139	168	Private Detective	89	101
Counselor, Professional	63	76	Private Detective Agency	47	53
Dance Therapist, Registered	44	53	Private Security Person	49	53
Dental Hygienist	48	57	Psychologist	105	157
Dentist	105	131	Real Estate Broker	109*	138*
Designer of Engineering Systems	52	58	Real Estate Business	57*	66*
Dietitian	47	56	Real Estate Salesperson	79*	93*
Drug Distributor	47	70	Respiratory Care Practitioner	50	65
Drug Manufacturer	47	70	School Psychologist, Private Practice	69	103
Electrologist	65	76	Social Worker	54	63
Electrology Establishment	47	56	Social Worker, Advanced Practice	53	70
Electrology Instructor	86	86	Social Worker, Independent	55	58
Electrology School	71	71	Social Worker, Independent Clinical	69	73
Electrology Specialty School	44	53	Soil Scientist	44	53
Engineer, Professional	49	58	Soil Science Firm	44	53
Fund-Raiser, Professional	91	93	Speech-Language Pathologist	53	63
Fund-Raising Counsel	44	53	Time-Share Salesperson	103	119
Funeral Director	140	135	Veterinarian	95	105
Funeral Establishment	47	56	Veterinary Technician	48	58
Geologist, Professional	48	59			
Geology Firm/Corporation	44	53			
Hearing Instrument Specialist	100	106			
Home Inspector	44	53			

NOTE: In addition to the fees listed, charitable organizations pay an annual \$15 registration fee and boxing clubs, boxers, matchmakers, referees, seconds and trainers are assessed various annual fees.

*Fee includes \$10 surcharge fee authorized under s. 20.285(1)(gr) of the statutes to fund the UW Center for Urban Land Economics Research.

APPENDIX VII

Occupations Newly Regulated by Regulation and Licensing 1991 Through 2001 Legislative Sessions

Authorizing Legislation	Occupation Affected	Description
2001 Session		
Act 70	Physical Therapist Assistants	Provide for the licensure of physical therapist assistants.
Act 74	Massage Therapists	Increased level of regulation from registration to certification for massage therapists.
Act 80	Music, Art or Dance Therapist with Psychotherapy License	Provide for a recodification of psychotherapy related credentials.
Act 89	Perfusionists	Provide for the licensure of perfusions and a temporary license to practice perfusion. Create a Perfusionist Examining Council as an advisory council to the Medical Examining Board.
1999 Session		
Act 9	Athletic Trainers	Provide for the licensure of athletic trainers by an Affiliated Credentialing Board attached to the Medical Examining Board.
Act 180	Occupational Therapists	Provide for the licensure, rather than certification, of occupational therapists by an Affiliated Credentialing Board attached to the Medical Examining Board.
1997 Session		
Act 81	Home Inspectors	Established licensure and the restricted use of title requirements for home inspectors.
Act 156	Massage Therapists Body Workers	Provided that massage therapists and body workers may register with R&L.
Act 261	Music Therapists Art Therapists Dance Therapists	Established the registration of music, art, and dance therapists.
Act 300	Professional Geologists Professional Hydrologists Professional Soil Scientists	Established a new credentialing board for geologists, hydrologists and soil scientists. Licensure required to use professional title. Extensive education requirements for these professions were also established.
1995 Session		
Act 27	Loan Originators Loan Solicitors Mortgage Bankers	The regulation of loan originators loan solicitors and mortgage bankers was transferred to the new Department of Financial Institutions, effective July 1, 1996.
Act 188	Psychologists School Psychologists	Increased level of regulation from restricted use of title to requirement that professionals be specifically licensed.
Act 322	Interior Designers	Established the restricted use of title requirements for interior designers.
Act 461	Security Guards	Provided that security guards possess a private security permit issued by R&L, effective July 1, 1997.

APPENDIX VII (continued)

**Occupations Newly Regulated by Regulation and Licensing
1991 Through 2001 Legislative Sessions**

Authorizing Legislation	Occupation Affected	Description
1993 Session		
Act 16	Cemetery Authorities Cemetery Preneed Sellers Cemetery Salesperson	Eliminated the Cemetery Consumer Protection Fund.
Act 102	Auctioneers Auction Companies	Provided for the regulation of auctioneers and auction companies, effective February 28, 1995.
Act 443	Dietitians	Established the certification of dietitians.
Act 463	Professional Geologists	Provided for the regulation of professional geologists.
Act 465	Landscape Architects	Provided for the regulation of landscape architects.
1991 Session		
Act 160	Social Workers Marriage and Family Therapists Professional Counselors	Established the certification of social workers, marriage and family therapists, and professional counselors.
Act 269	Crane Games Bingo Raffles	The regulation of crane games, bingo, and raffles was transferred to the Gaming Commission effective October 1, 1992.