



## Legislative Fiscal Bureau

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June 29, 2009

TO: Members  
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Regulation and Licensing: Veto of Credentialing Fees by Statute and s. 13.10 Agenda Item IX

Under 2007 Wisconsin Act 20, the Legislature modified the setting of initial and renewal fees to specify that the fees would be established by rule rather than by statute, beginning on July 1, 2009. On that date, the statutory fees are deleted and fees approved under a 14-day passive review process by the Joint Committee on Finance would become effective.

Under Assembly Bill 75 (AB 75), as approved by the Legislature, initial and renewal fees for business and professional credentials administered under the Department of Regulation and Licensing (DRL) would have been re-established under state statutes, beginning July 1, 2011, except for professions under the Medical Examining Board and its attached affiliated credentialing boards, which would have been immediately reestablished under state statute. Additionally, AB 75, as approved by the Legislature, would have specified initial (\$53) and renewal (\$44) fees for two newly-regulated groups, chiropractic technicians and chiropractic radiological technicians.

As signed by the Governor, 2009 Act 28 (AB 75), these modifications would be deleted, which would have the effect of specifying that fees would be set by rule and that these fees would be effective on July 1, 2009.

In the Fiscal Bureau s. 13.10 memorandum to the Committee, dated June 30, 2009, relating to the Committee's consideration of professional and occupational fees for DRL, the subject of fees for the Medical Examining Board and its attached affiliated credentialing boards was not addressed because of the Legislature's actions on setting these fees by statute. In addition, the initial and renewal fees for chiropractic technicians and chiropractic radiological technicians were not addressed under either DRL's proposal or the memorandum, because the fees were newly-established under legislative actions for AB 75, by statute. Current law [s. 440.03(9) of the statutes] does not provide a mechanism for the Department to update these fees by rule once the Committee

has approved of fees under the passive review process, until the 2011-13 biennium. The Committee may wish to consider requiring the establishment of these by rule, when it addresses the remaining credentialing fees as part of the June 30, 2009, meeting.

Since an objection was raised under the passive review process, the Committee could choose to specify the fee levels for these professions as identical to the amounts approved by the Legislature under AB 75, as shown in the table below. This would have the effect of ensuring that revenue collections would be sufficient for the appropriations levels approved under Act 28.

<u>Profession</u>	<u>Initial</u>	<u>Renewal</u>
Athletic Trainers	\$ 75	\$ 75
Dieticians	75	75
Chiropractic Radiological Technicians	53	44
Chiropractic Technicians	53	44
Occupational Therapists	75	75
Occupational Therapist Assistants	75	75
Perfusionists	75	141
Physical Therapists	75	141
Physical Therapist Assistants	75	141
Physicians - DO	75	141
Physicians - MD	75	141
Physician Assistants	75	141
Respiratory Care Practitioners	75	141

Alternatively, a veto override of this provision would also re-establish the fee levels approved by the Legislature (as shown in the table), as well as re-establishing the fee by statute structure. This would have the effect of allowing the Legislature to continue to consider revenues and expenditures of DRL simultaneously in conjunction with the biennial budget process.

DR/le