

CERTIFICATE

**STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING**

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Marlene A. Cummings, Secretary, Wisconsin Department of Regulation and Licensing and custodian of the official records of the Department of Regulation and Licensing, hereby certify that the annexed rules were duly approved and adopted by the Department of Regulation and Licensing on the 21st day of May, 1996.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

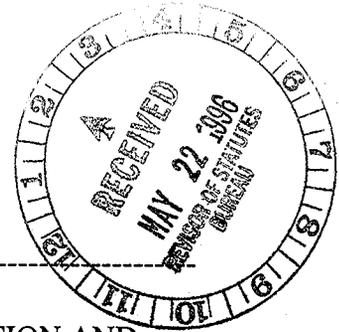
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 1400 East Washington Avenue, Madison, Wisconsin this 21st day of May, 1996.

Marlene A. Cummings

**Marlene A. Cummings, Secretary
Department of Regulation and
Licensing**



STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING



IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION AND
DEPARTMENT OF REGULATION : LICENSING ADOPTING RULES
AND LICENSING : (CLEARINGHOUSE RULE 96-014)

ORDER

An order of the Department of Regulation and Licensing to repeal RL 4.04 (2); to renumber RL 4.02 (1), (2) and (3); to renumber and amend RL 4.02 (4), 4.03 and 4.06; to amend ch. RL 4 (title), 4.01, 4.04 (3) (a), (b), (c), (e), (4) (title), (4), (5) and 4.05; and to create RL 4.02 (2) and (6), relating to examination fees, refunds and fees for test reviews.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 227.11 (2), 440.03 (2), 440.05 (1), 440.06 and 440.07 (3), Stats.

Statutes interpreted: ss. 440.03 (2), 440.05 (1) and 440.08 (3) (b), Stats.

This proposed rule-making order makes changes that clarify, define and standardize terms and references in ch. RL 4, such as “authority” and “service provider.”

The changes clarify that fee rules apply to examinations and reviews conducted by the department, and that service providers may have different rules, and that the department collects and refunds fees rather than the boards. An exception to full refunds for call up to military duty was eliminated so that a full refund would be assured to anyone called up.

The proposed rules change the method of notice of fee changes in order to reach the candidates directly via the application rather than indirectly via a newspaper notice.

An inaccurate statement that fee estimates are prepared in connection with the biennial budget request is removed.

Section RL 4.04 (4), Reexamination As Part of Disciplinary Proceeding, is expanded and retitled to include reexamination of previously licensed individuals prior to late renewal as authorized by s. 440.08 (3) (b).

Proctoring service policy is clarified to include proctor service rendered to eligible candidates in other states.

TEXT OF RULE

✓ SECTION 1. Chapter RL 4 (title) is amended to read:

Chapter RL 4 (title)

~~EXAMINATION AND REFUND FEES
AND APPLICATION PROCEDURES~~
DEPARTMENT APPLICATION PROCEDURES
AND APPLICATION FEE POLICIES

✓ SECTION 2. RL 4.01 is amended to read:

RL 4.01 AUTHORIZATION. The following rules are adopted by the department of regulation and licensing pursuant to ~~s.~~ ss. 440.05, 440.06 and 440.07, Stats.

✓ SECTION 3. RL 4.02 (1), (2) and (3) are renumbered RL 4.02 (4), (3) and (1).

✓ SECTION 4. RL 4.02 (4) is renumbered 4.02 (5) and amended to read:

RL 4.02 (5) "Examination" means the written and practical tests required of an applicant by the ~~department or a board~~ authority.

✓ SECTION 5. RL 4.02 (2) and (6) are created to read:

RL 4.02 (2) "Authority" means the department or the attached examining board or board having authority to grant the credential for which an application has been filed.

(6) "Service provider" means a party other than the department or board who provides examination services such as application processing, examination products or administration of examinations.

✓ SECTION 6. RL 4.03 is renumbered RL 4.06 and amended to read:

RL 4.06 REFUNDS. (1) A refund of all but \$10 of the applicant's examination fee and initial credential fee submitted to the department shall be granted if any of the following occurs:

(a) An applicant is found to be unqualified for an examination administered by the ~~department or board;~~ authority.

(b) An applicant is found to be unqualified for a credential for which no examination is required;

(c) An applicant withdraws an application by written notice to the ~~department or board~~ authority at least 10 days in advance of any scheduled examination;~~or~~.

(d) An applicant who fails to take an examination administered by the ~~department or board~~ authority either provides written notice at least 10 days in advance of the examination date that the applicant is unable to take the examination, or if written notice was not provided, submits a written explanation satisfactory to the ~~department or board~~ authority that the applicant's failure to take the examination resulted from extreme personal hardship.

(2) An applicant eligible for a refund may forfeit the refund and choose instead to take an examination administered by the authority within 18 months of the originally scheduled examination at no added ~~charge~~ fee.

(3) An applicant who misses an examination as a result of being called to active military duty shall receive a full refund, ~~except if an examination service vendor does not refund the applicant's costs to the department or board. These costs shall not be included in the department's or board's refund to the applicant.~~ The applicant requesting the refund must shall supply a copy of the call up orders or a letter from the commanding officer attesting to the call up.

(4) Applicants who pay fees to test service providers other than the ~~department~~ are subject to the refund policy established by the test service provider.

✓ SECTION 7. RL 4.04 (2) is repealed.

SECTION 8. RL 4.04 (3) (a), (b), (c), (e), (4) (title), (4) and (5) are amended to read:

RL 4.04 (3) EXPLANATION OF PROCEDURES FOR SETTING EXAMINATION FEES. (a) Fees for examinations shall be established under s. 440.05 (1) (b), Stats., at the department's best estimate of the actual cost of preparing, administering and grading the examination or obtaining and administering an approved examination from a test service vendor provider.

(b) Examinations shall be obtained from a test service vendor provider through competitive procurement procedures described in ch. Adm 5 7. ~~Contracts established under these procedures may be made for one year, renewable twice at the option of the parties.~~

(c) Fees for examination services provided by the department shall be established based on an estimate of the actual cost of the examination services ~~prepared in connection with the department's biennial budget request.~~ Computation of fees for examination services provided by the department shall include standard component amounts for contract administration services, test development services and written and practical test administration services.

(e) ~~Fees in an examination fee schedule~~ Examination fees shall be effective for examinations held 45 days or more after the date of publication of the examination

~~fee schedule~~ a notice in application forms. Applicants who have submitted fees in an amount less than that ~~established in the examination fee schedule~~ in the most current application form shall pay the correct amount prior to administration of the examination. Overpayments shall be refunded by the department. Initial credential fees shall become effective on the date specified by law.

(4) (title) REEXAMINATION OF PREVIOUSLY LICENSED INDIVIDUALS. Fees for ~~reexaminations~~ examinations ordered as part of a disciplinary proceeding or late renewal under s. 440.08 (3) (b), Stats., are equal to the fee set for reexamination in the most recent examination fee schedule published by the department application form, plus \$10 application processing.

(5) (a) Examinations administered by an authority of the state may be proctored for persons applying for credentials in another state if the person has been determined eligible in the other state and meets this state's application deadlines. Examinations not administered by an authority of the state may only be proctored for Wisconsin residents or licensees applying for credentials in another state.

(b) Fees ~~Department fees~~ for proctoring examinations of ~~Wisconsin residents or licensees~~ persons who are applying for a credential in another state are equal to the cost of administering the examination to those persons, plus any additional cost charged to the department by the test service ~~vendor~~ provider. ~~This service is available only for professions credentialed in Wisconsin.~~

SECTION 9. RL 4.05 is amended to read:

RL 4.05 FEE FOR TEST REVIEW. (1) The fee for supervised review of examination results by a failing applicant which is conducted by the department is \$28.

(2) The fee for review of examination results by a service provider is the fee established by the service provider.

✓ SECTION 10. RL 4.06 is renumbered RL 4.03 and amended to read:

RL 4.03 TIME FOR REVIEW AND DETERMINATION OF CREDENTIAL APPLICATIONS. (1) ~~DEFINITIONS.~~ In this section:

(a) ~~“Authority” means the department or the attached examining board or board having authority to grant the credential for which an application has been filed.~~

(b) ~~“Department” means the department of regulation and licensing.~~

(2) (1) TIME LIMITS. An authority shall review and make a determination on an original application for a credential within 60 business days after a completed application

is received by the authority unless a different period for review and determination is specified by law.

(3) (2) COMPLETED APPLICATIONS. An application is completed when all materials necessary to make a determination on the application and all materials requested by the authority have been received by the authority.

(4) (3) EFFECT OF DELAY. A delay by an authority in making a determination on an application within the time period specified in this section shall be reported to the permit information center under s. 227.116, Stats. Delay by an authority in making a determination on an application within the time period specified in this section does not relieve any person from the obligation to secure approval from the authority nor affect in any way the authority's responsibility to interpret requirements for approval and to grant or deny approval.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.22 (2) (intro.), Stats.

Dated

5/21/96

Agency

Marlene A. Cummings

Marlene A. Cummings, Secretary
Department of Regulation and Licensing

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5/20/96