



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4390/1  
MED/KRP/MDK:ahe&amn

## 2017 SENATE BILL 751

January 29, 2018 - Introduced by Senator KAPENGA, cosponsored by Representative BALLWEG, by request of Department of Safety and Professional Services. Referred to Committee on Public Benefits, Licensing and State-Federal Relations.

1     **AN ACT to repeal** 15.405 (7c) (am) 2., 15.405 (10r) (c), 101.16 (3g) (b), 440.03 (16),  
2           440.04 (9) and 440.11 (3); **to renumber** 101.16 (3g) (a); and **to amend** 15.405  
3           (7c) (am) (intro.), 15.405 (7c) (am) 1., 15.405 (7c) (am) 3., 15.405 (7g), 15.405  
4           (10r) (b), 15.406 (6) (a) 2., 101.12 (5) (b), 101.15 (2) (d) 1., 101.653 (5) (b) 2.,  
5           118.135 (2), 157.63 (2) (b), 440.08 (2) (a) 59., 440.92 (9) (b) 3., 441.01 (7) (a)  
6           (intro.), 441.01 (7) (a) 1., 441.01 (7) (b), 441.06 (3), 441.08, 441.15 (3) (b), 441.16  
7           (3) (d), 448.13 (1) (a) (intro.), 448.13 (2), 448.13 (3) and 470.05 of the statutes;  
8           **relating to:** various changes to statutes administered by the Department of  
9           Safety and Professional Services and attached credentialing boards.

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### *Analysis by the Legislative Reference Bureau*

This bill makes numerous changes to the laws governing the regulation of professions and buildings and safety that are administered by the Department of Safety and Professional Services.

#### **NOTICE OF REQUEST TO INSPECT OR COPY BUILDING PLANS**

Under current law, a person requesting to inspect or copy building plans for a structure must submit a written application identifying the structure or proposed structure, and DSPS or the political subdivision in which the plans are filed must

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provide a copy of the application to the owner of the structure or proposed structure and the person that submitted the plans. The bill eliminates that notice requirement.

**LIST OF LICENSED RETAIL SUPPLIERS OF LIQUEFIED PETROLEUM GAS**

The bill eliminates the requirement that DSPS publish an annual list of all retailers licensed by DSPS to distribute liquefied petroleum gas.

**FREQUENCY OF REVIEW OF CERTAIN LOCAL CONSTRUCTION SITE EROSION CONTROL PROGRAMS**

The bill reduces the frequency with which DSPS must issue a written determination regarding whether a political subdivision's program for erosion control on construction sites for one-family and two-family dwellings is in compliance with state standards. Under current law, if a political subdivision elects to exercise jurisdiction over the construction and inspection of new one-family and two-family dwellings, DSPS must periodically review the political subdivision's ordinances related to construction site erosion control for compliance with state standards. As part of the review, DSPS must perform an audit of the political subdivision's construction site erosion control program and make a written determination regarding whether the political subdivision is in compliance. The bill changes the frequency of the DSPS written determination from three years to five years.

**MEMBERSHIP OF CERTAIN BOARDS AND CREDENTIALING BOARDS**

Current law requires that the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board include four social workers, including one advanced practice social worker, one independent social worker, and one clinical social worker. The bill eliminates the requirement that one of the four social worker members on the board be an independent social worker. Under the bill, that position may be filled by any type of social worker.

Current law requires that the Board of Nursing include five licensed registered nurses (RNs), two licensed practical nurses (LPNs), and two public members. The bill modifies the required composition of the board so that one of the two LPN positions on the board may instead be filled by either an LPN or an RN.

Current law requires that the Real Estate Appraisers Board include three appraisers, including one certified general appraiser, one certified residential appraiser, and one licensed appraiser. The bill eliminates the requirement that one of the three appraiser members on the board be a licensed appraiser. Under the bill, that position may be filled by any type of appraiser. The bill also repeals a requirement for the Real Estate Appraisers Board requiring that certain types of members be present in order for quorum to be present.

Finally, the bill repeals a specific requirement for an individual to qualify as a public member to serve on the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board.

**OTHER CHANGES**

The bill makes various other changes to the laws governing the regulation of professions and buildings and safety, including:

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1. The bill makes various technical changes in the nursing practice law, including changes regarding which individuals are required to complete the nursing workforce survey.

2. The bill eliminates requirements that certain Cemetery Board filings be notarized.

3. The bill changes the renewal date for physician assistants from March 1 of each odd-numbered year to March 1 of each even-numbered year.

4. The bill provides that a mining inspector employed by DSPS must have experience in underground mining or be a graduate of a recognized college with a degree of mining engineering. Under current law, DSPS is allowed to employ a mining inspector who is not a graduate only if the inspector has at least ten years experience.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 15.405 (7c) (am) (intro.) of the statutes is amended to read:

2           15.405 (7c) (am) (intro.) The 4 members appointed under par. (a) 1. shall  
3 consist include all of the following:

4           **SECTION 2.** 15.405 (7c) (am) 1. of the statutes is amended to read:

5           15.405 (7c) (am) 1. ~~One~~ At least one member who is certified under ch. 457 as  
6 an advanced practice social worker.

7           **SECTION 3.** 15.405 (7c) (am) 2. of the statutes is repealed.

8           **SECTION 4.** 15.405 (7c) (am) 3. of the statutes is amended to read:

9           15.405 (7c) (am) 3. ~~One~~ At least one member who is licensed under ch. 457 as  
10 a clinical social worker.

11           **SECTION 5.** 15.405 (7g) of the statutes is amended to read:

12           15.405 (7g) BOARD OF NURSING. There is created a board of nursing in the  
13 department of safety and professional services. The board of nursing shall consist  
14 of the following members appointed for staggered 4-year terms: 5 currently licensed

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1 registered nurses under ch. 441; ~~2~~ one currently licensed practical nurses nurse  
2 under ch. 441; one member who is either a licensed registered nurse or a licensed  
3 practical nurse under ch. 441; and 2 public members. Each registered nurse member  
4 shall have graduated from a program in professional nursing and each practical  
5 nurse member shall have graduated from a program in practical nursing accredited  
6 by the state in which the program was conducted.

7 **SECTION 6.** 15.405 (10r) (b) of the statutes is amended to read:

8 15.405 (10r) (b) Of the appraiser members of the board, at least one shall be  
9 certified under s. 458.06 as a general appraiser, and at least one shall be certified  
10 under s. 458.06 as a residential appraiser ~~and one shall be licensed under s. 458.08~~  
11 ~~as an appraiser.~~ No public member of the board may be connected with or have any  
12 financial interest in an appraisal business or in any other real estate-related  
13 business. Section 15.08 (1m) (am) applies to the public members of the board. No  
14 member of the board may serve more than 2 consecutive terms.

15 **SECTION 7.** 15.405 (10r) (c) of the statutes is repealed.

16 **SECTION 8.** 15.406 (6) (a) 2. of the statutes is amended to read:

17 15.406 (6) (a) 2. One public member ~~who satisfies the requirements under s.~~  
18 ~~460.03 (2m) (b).~~

19 **SECTION 9.** 101.12 (5) (b) of the statutes is amended to read:

20 101.12 (5) (b) A person requesting to inspect or copy plans shall submit a  
21 written application identifying the structure or proposed structure whose plans are  
22 sought to be inspected or copied, providing the full name and address of the requester  
23 and stating that any information obtained from the inspection or copying will not be  
24 used for any unlawful or unfair competitive purpose and that the information set  
25 forth in the application is true and correct. ~~The department, city, village, town or~~

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1 ~~county shall promptly transmit a copy of the application to the owner of the structure~~  
2 ~~or proposed structure and the submitter of the plans being inspected or copied.~~

3 **SECTION 10.** 101.15 (2) (d) 1. of the statutes is amended to read:

4 101.15 (2) (d) 1. Employ additional mining inspectors, who each of whom shall  
5 have had at least 10 years experience in underground mining or be a graduate of a  
6 recognized college with a degree of mining engineering.

7 **SECTION 11.** 101.16 (3g) (a) of the statutes is renumbered 101.16 (3g).

8 **SECTION 12.** 101.16 (3g) (b) of the statutes is repealed.

9 **SECTION 13.** 101.653 (5) (b) 2. of the statutes is amended to read:

10 101.653 (5) (b) 2. A written determination by the department, issued every ~~3~~  
11 5 years, of whether or not the county, city, village, or town complies with par. (a).

12 **SECTION 14.** 118.135 (2) of the statutes is amended to read:

13 118.135 (2) A pupil who complies with a request under sub. (1) shall provide  
14 evidence of an eye examination or evaluation by December 31 following the pupil's  
15 enrollment in kindergarten. ~~The school board or charter school shall provide pupils~~  
16 ~~with the form distributed by the department of safety and professional services~~  
17 ~~under s. 440.03 (16) for that purpose.~~

18 **SECTION 15.** 157.63 (2) (b) of the statutes is amended to read:

19 157.63 (2) (b) A notarized statement of a person who is legally authorized to  
20 act on behalf of the religious association under this section that, during the reporting  
21 period under s. 157.62, each cemetery and the cemetery authority of each cemetery  
22 specified under par. (a) have either fully complied or have substantially complied  
23 with ss. 157.11 (9g) (c) and 157.12 (3).

24 **SECTION 16.** 440.03 (16) of the statutes is repealed.

25 **SECTION 17.** 440.04 (9) of the statutes is repealed.

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1           **SECTION 18.** 440.08 (2) (a) 59. of the statutes is amended to read:

2           440.08 (2) (a) 59. Physician assistant: March 1 of each ~~odd-numbered~~  
3 even-numbered year.

4           **SECTION 19.** 440.11 (3) of the statutes is repealed.

5           **SECTION 20.** 440.92 (9) (b) 3. of the statutes is amended to read:

6           440.92 (9) (b) 3. A ~~notarized~~ statement of a person who is legally authorized to  
7 act on behalf of the religious association under this subsection that, during the  
8 12-month period immediately preceding the date on which the certification is filed  
9 with the board, each employee specified under subd. 2. and the cemetery authority  
10 have either fully complied or have substantially complied with subs. (2), (3) (a) and  
11 (b) and (5).

12           **SECTION 21.** 441.01 (7) (a) (intro.) of the statutes is amended to read:

13           441.01 (7) (a) (intro.) The board shall require each applicant for the renewal  
14 of a registered nurse or licensed practical nurse license, ~~certificate, or permit~~ issued  
15 under this chapter to do all of the following as a condition for renewing the license,  
16 certificate, or permit:

17           **SECTION 22.** 441.01 (7) (a) 1. of the statutes is amended to read:

18           441.01 (7) (a) 1. Complete and submit to the department with the application  
19 for renewal of the license, ~~certificate, or permit~~ a nursing workforce survey developed  
20 by the department of workforce development under s. 106.30 (2).

21           **SECTION 23.** 441.01 (7) (b) of the statutes is amended to read:

22           441.01 (7) (b) The board may not renew a registered nurse or licensed practical  
23 nurse license, ~~certificate, or permit~~ under this chapter unless the renewal applicant  
24 has completed the nursing workforce survey to the satisfaction of the board. The  
25 board shall establish standards to determine whether the survey has been

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1 completed. The board shall, by no later than June 30 of each odd-numbered year,  
2 submit all completed nursing workforce survey forms to the department of workforce  
3 development.

4 **SECTION 24.** 441.06 (3) of the statutes is amended to read:

5 441.06 (3) A registered nurse practicing for compensation shall, on or before  
6 the applicable renewal date specified under s. 440.08 (2) (a), submit to the board on  
7 furnished forms a statement giving name, residence, and other facts that the board  
8 requires, with the nursing workforce survey and fee required under s. 441.01 (7) and  
9 the applicable renewal fee determined by the department under s. 440.03 (9) (a).

10 **SECTION 25.** 441.08 of the statutes is amended to read:

11 **441.08 Temporary permit.** A nurse who has graduated from a school  
12 approved by the board or that the board has authorized to admit students pending  
13 approval but who is not licensed in this state may be granted a temporary permit  
14 upon payment of the fee specified in s. 440.05 (6) by the board to practice for  
15 compensation until the nurse can qualify for licensure. The temporary permit may  
16 be renewed once. ~~Each applicant for renewal of a temporary permit under this~~  
17 ~~section shall complete the nursing workforce survey and pay the fee required under~~  
18 ~~s. 441.01 (7).~~ Further renewals may be granted in hardship cases. The board may  
19 promulgate rules limiting the use and duration of temporary permits and providing  
20 for revocation of temporary permits.

21 **SECTION 26.** 441.15 (3) (b) of the statutes is amended to read:

22 441.15 (3) (b) On or before the applicable renewal date specified under s. 440.08  
23 (2) (a), a person issued a license under par. (a) and practicing nurse-midwifery shall  
24 submit to the board on furnished forms a statement giving his or her name,  
25 residence, ~~the nursing workforce survey and fee required under s. 441.01 (7), and~~

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1 other information that the board requires by rule, with the applicable renewal fee  
2 determined by the department under s. 440.03 (9) (a). If applicable, the person shall  
3 also submit evidence satisfactory to the board that he or she has in effect the  
4 malpractice liability insurance required under the rules promulgated under sub. (5)  
5 (bm). The board shall grant to a person who pays the fee determined by the  
6 department under s. 440.03 (9) (a) for renewal of a license to practice  
7 nurse-midwifery and who satisfies the requirements of this paragraph the renewal  
8 of his or her license to practice nurse-midwifery and the renewal of his or her license  
9 to practice as a registered nurse.

10 **SECTION 27.** 441.16 (3) (d) of the statutes is amended to read:

11 441.16 (3) (d) Establishing procedures for maintaining a certificate to issue  
12 prescription orders, including requirements for continuing education and a  
13 requirement to complete the nursing workforce survey and submit the fee required  
14 under s. 441.01 (7).

15 **SECTION 28.** 448.13 (1) (a) (intro.) of the statutes is amended to read:

16 448.13 (1) (a) (intro.) Except as provided in par. (b), each physician shall, in  
17 each 2nd year at the time of include with his or her application for a certificate of  
18 registration under s. 448.07, ~~submit~~ proof of attendance at and completion of all of  
19 the following:

20 **SECTION 29.** 448.13 (2) of the statutes is amended to read:

21 448.13 (2) Each person licensed as a perfusionist shall, ~~in each 2nd year at the~~  
22 ~~time of~~ include with his or her application for a certificate of registration under s.  
23 448.07, ~~submit~~ proof of completion of continuing education requirements  
24 promulgated by rule by the board.

25 **SECTION 30.** 448.13 (3) of the statutes is amended to read:



