



DALE KOOYENGA
STATE SENATOR · 5TH DISTRICT

State Capitol · P.O. Box 7882 · Madison, WI 53707-7882 · (608) 266-2512

May 26, 2021

TO: Members of the Senate Committee on Insurance, Licensing and Forestry

FR: Senator Dale Kooyenga

RE: Support for SB 233 – Requiring a ten day passive review for credential applications recommended for approval by the Department of Safety and Professional Services

Thank you for holding a hearing on Senate Bill 233. This bill is designed to address some of the key reasons why applications for professional credentials get delayed, which can leave people attempting to work in their chosen field in limbo.

One reason for such delays is that credentialing boards, which often have the responsibility of ultimately approving or denying applications for professional credentials, sometimes do not act on applications in a timely manner.

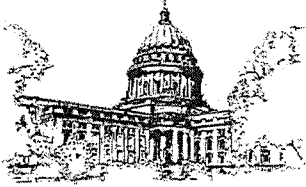
If the state is going to require credentialing for certain occupations, it should also ensure that applicants get a decision on their application within a reasonable period of time. To accomplish that goal, SB 233 streamlines the professional licensure process by requiring a “passive review” process for the approval of credentials.

Under this new process, after reviewing a completed application, DSPS can forward the application to the credentialing board with a recommendation to either approve, approve with limitations, or deny the application. If the credentialing board doesn’t take specified action on an application recommended for approval by the department within ten business days, the application will be considered approved. The Department then must issue the credential within ten more days.

The bill also makes explicit in statutes the authority of credentialing boards to choose to transfer final decision making authority over approval of credentials to DSPS, which already occurs occasionally under current law. This option is appropriate for boards that meet infrequently or have difficulty achieving a quorum.

This bill will make a real difference in the lives of people who are trying to advance in their professional career and move up the economic ladder by tackling a key source of delays in the licensure process.

Thank you for hearing SB 233. I respectfully ask for your support.



STATE SENATOR
LaTonya Johnson

WISCONSIN STATE SENATE

6TH DISTRICT

Senate Committee on Insurance, Licensing and Forestry
Testimony on Senate Bill 233
May 26, 2021

Good morning members of the committee,

Thank you for the opportunity to testify on behalf of this proposal—Senate Bill 233 (SB 233)—which will allow the Department of Safety and Professional Services (DSPS) to issue credentials after a passive review by the respective examining board.

Under current law, an application for a professional credential undergoes a review process prior to being referred to the appropriate examining board. DSPS has identified that many delays with credentialing occur between review of a completed application by the Department and referral to examining boards for final disposition. Many of these applications can be identified as complete and sufficient by DSPS, but still must await action by individual examining boards to be granted. If an examining board does not meet frequently or receives a large number of review applications at once, significant delays can arise, leaving the applicant in legal limbo, preventing them from working and earning a living in their chosen profession.

SB 233 creates a passive review process to assist examining boards by expediting the credentialing process for applications reviewed by DSPS. Under the bill, a credentialing board can delegate authority to DSPS to make determinations as to whether an application satisfies the requirements for the credential, and to directly grant or deny the application based on those criteria. Alternatively, if no delegating authority is granted, after conducting its initial review, DSPS can refer an application to an examining board with a recommendation regarding approval or denial. If DSPS recommends approval and no action is taken by the board within 10 business days, the application will be considered approved and the credential granted.

Our government enlists a passive review process in numerous instances, such as when an agency submits 16.505/16.515 requests to the Joint Committee on Finance under a 15-day passive review. Like a 16.505 request, the passive review created in this bill will allow a credentialing board the opportunity to examine a positively recommended application referred by DSPS if it is warranted without unnecessarily slowing down the process for all applicants.

Once again, thank you to my co-authors, Senator Kooyenga, Representative Petryk, and Representative Haywood for their work on this bill, and thank you, committee members, for your consideration of this important proposal.



Warren Petryk

State Representative • 93rd Assembly District

Date: May 26, 2021

To: Members of the Senate Committee on Insurance, Licensing, and Forestry

From: Representative Warren Petryk

Re: Testimony regarding Senate Bill 233

Good morning Chair Felzkowski and members of the committee. I appreciate this opportunity to come before you today to speak in favor of Senate Bill 233.

As you know, when any of us talk to our local employers, they almost universally mention that part of their economic recovery will depend on their ability to find talented people to fill their open positions. A recent survey by the State Chamber of Commerce asked “What is the top business concern facing your company?” Wisconsin CEOs overwhelmingly said labor availability was the number one issue with COVID-19 and onerous regulations coming in second.

Not having workers means employers are leaving economic investment opportunities for their businesses on the table, possibly hindering their ability to expand. Sometimes the gap between when a company posts a job and then actually hires for it is caused by delays and complications in the state licensure process. With nearly 20% of Wisconsin’s workforce needing a license to perform their job, any delays in licensing can leave workers and businesses in limbo.

That is why I introduced this bipartisan legislation with Senator Kooyenga and Representative Haywood to help remove some of the artificial and unnecessary delays in the licensing process. If the state is going to require someone to be credentialed, there should be a reasonable expectation as to when a person hears back as to when their license was approved or not.

Simply put, this bill does 2 things. First, it explicitly gives the option to a credentialing board to delegate authority to DSPS to decide on an application on their behalf. This delegation choice is completely up to the board and can be withdrawn by a board at any time. Secondly, once an application review is complete, a board has 10 business days to decide on the application or it is automatically considered approved. If DSPS has been delegated the authority, they must make the decision right away.

State licensing reform is an important area to reform, improve, and streamline so there is a minimum delay in someone obtaining a professional license and begin to get to work in our great state. Thank you again for the opportunity to present my testimony.



May 26, 2021

TO: Committee on Insurance, Licensing and Forestry
FR: Michael Tierney, Legislative Liaison Department of Safety and Professional Services
RE: Senate Bill 233 - Relating to: procedures for granting credentials granted by the Department of Safety and Professional Services and credentialing boards.

Chair Felzkowski and Committee members,

Thank you for holding this hearing on Senate Bill 233 and for the opportunity to provide informational testimony.

While there are some credentials which are issued directly by the Department of Safety and Professional Services, many of the credentials people believe are issued by the department are issued by a legally independent Board that is affiliated with the Department.

Our Department staff receive licensure applications and documents, conduct any required legal reviews, and then present completed application information to a Board for review and action. At present, we work with many Boards who have dedicated members appointed by former Governor Walker and Governor Evers and approved with the advice and consent of the Senate.

In 2019 Secretary-designee Crim tasked department staff with assessing how processes and procedures that are in place serve persons applying for credentials, employers, and the members of the public who rely on credential holders for services. Nothing was left off the table.

When receiving calls last session from legislators, prospective employers, and applicants about licensure status, legal and Board reviews were frequently at the heart of the issue. All too often we learned that department staff were being inundated with repeated calls and emails about applications that were no longer in the hands of department staff.

Although applicants were informed that the Board had their application, applicants still contact the department staff with questions staff cannot answer. These are applications that have been provided to a Board or Board Liaison for action. The Department does not have legal authority to direct the Board or Board Liaison to act.

It is akin to you, as members of the State Senate, receiving repeated demands to pass legislation you had already acted on unanimously and placed in the hands of the Assembly. You can contact Representatives and ask that they act on the legislation, but you do not control the Assembly agenda.

Clearly, the Board system as it relates to licensure has evolved and improved over the years. In the past, a person would apply for a license and an entire Board would then review the application materials at the next regularly scheduled Board meeting. Then Boards decided to designate a member as a Board Liaison who would be delegated with the authority to make licensure decisions on behalf of the entire Board between scheduled Board meeting dates. Now, most Boards delegate authority to department staff, to varying degrees, to issue a credential in cases where there are no licensure issues.

While we have worked to encourage Boards to refine and improve processes, there still times when the review and approval of applications for individuals who clearly meet all licensure requirements under Wisconsin law and administrative code takes longer than it should.

However, as Boards are legally independent entities, the Department lacks the legal authority to demand that a Board act on an application. We make requests and send prompts at the request of applicants, employers, and legislators, but at the end of the day the Board or Board Liaison is not bound by any timelines.

Most Boards and Board Liaisons are extremely diligent in reviewing applications in a timely manner or have delegated authority to the Department to issue a credential on behalf of the Board when there is certainty an application will be approved. This legislation would have no impact on those Boards.

However, as the composition of Boards changes or Board members take on additional challenges or responsibilities in their own personal and professional lives, the timely review of applications can become a significant issue. As currently written, this legislation would provide applicants with the knowledge that if there are no ancillary issues raised, once department staff have provided an application to the Board, the application will go into effect in 10 business days unless the Board raises an issue.

This would also enable Boards and Board Liaisons to have greater focus on applications that truly require the review and judgement of Board members.

In the budget bill, the Department has requested the approval of program revenue funding for new, modern licensing software that will allow for applications to be processed more quickly. We are also asking for approval of program revenue expenditures to put into place the number of staff needed to correctly address incoming phone calls and complete legal reviews. These program revenue requests are fully funded under our current fee structure.

We very much appreciate the legislators who, on a bipartisan basis, chose to co-author this legislation and are engaged in seeking ways to improve licensure in Wisconsin without compromising the integrity of the licensure process.

Thank you.



May 26, 2021

Senate Committee on Insurance, Licensing and Forestry
Public Hearing: Senate Bills 232 and 233

Senator Felzkowski and Members of the Committee:

Thank you for holding this hearing today and for allowing me to testify in support of Senate Bills 232 and 233, which would streamline the state's licensing process. As most of you know, the Badger Institute has over the years conducted research and told stories of many people affected by the state's burdensome licensing process and requirements. Too many times, we've heard that Wisconsinites who simply want to work are either turned away or forced to wait – losing significant income while enduring stress, discouragement and confusion – before they can obtain a license to enter or return to their desired field.

Licensing impacts nearly a fifth of Wisconsin's workforce, more than one million aspiring workers who are required to seek government permission slips in the form of licenses, certifications, registrations or permits. These bills would make it easier for qualified professionals to get licensed and get to work sooner in Wisconsin.

Specifically, SB 233 would give the Department of Safety and Professional Services (DSPS) the authority to recommend granting or denying an application for licensure to the respective licensing board. If DSPS recommends approving the application, the board has 10 days to act, or the application is automatically approved.

In our report, *Absence and Violation*, we found that most of Wisconsin's licensing boards very rarely meet – sometimes only quarterly or less. When the boards do meet, much of their activity often takes place in private or closed session. Speeding up and opening up this process by requiring a licensing board to act quickly after a recommendation from DSPS would alleviate some of the pressures placed on licensing boards. More importantly, it would eliminate weeks, even months, of waiting for people who just want to get to work.

SB 232 would allow DSPS to grant a temporary license to certain applicants so that they can practice in their desired field and earn a living while the application is reviewed. These applicants would follow the same laws and procedures as their peers working in the same field. If their application is ultimately approved by DSPS, the temporary status is removed, and they're required to simply renew their license based on the credential's requirements. If DSPS determines they're not eligible to practice in their field, the temporary license immediately expires.

I encourage you to read an article I wrote last year about Meggan Thompson, a licensed clinical social worker who moved here with her family from California. I believe Meggan would have benefited from this proposed legislation. She moved to Wisconsin with her family in pursuit of a better quality of life and lower cost of living. She earned a master's degree in social work from the University of Southern California (USC), practiced in the field and teaches online courses at USC.

But she had to wait more than a year to get her license in Wisconsin. No one should have to forgo a year of income or the ability to practice their profession because of hurdles imposed by the state or rules established by those already practicing in the field. We should be making it easier, not harder, for people like Meggan to live and work in our state.

Thank you for holding this hearing today and for considering these important bills. I'm happy to take any questions.

Julie Grace
Policy Analyst, Center for Opportunity
Badger Institute



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Testimony on Senate Bills 232 & 233

Senate Committee on Insurance, Licensing, and Forestry

May 26, 2021

Thank you Chairwoman Felzkowski, Vice-Chairman Stafsholt, and members of the Senate Committee on Insurance, Licensing, and Forestry for accepting my testimony in favor of Senate Bills 232 and 233 today. Additionally, I would like to thank Senator Kooyenga and Representatives Horlacher and Petryk for authoring these important pieces of legislation.

WILL has previously conducted research on the effects of occupational licensing laws in Wisconsin and has found that state barriers lead to lower employment in licensed professions; and, that licensing laws had no discernible effect on safety in specific professions. In 1950, just 1 in 20 workers required a license to work. Today, close to 1 in 4 Wisconsin workers require a license to practice their profession. Such licensing pathways have many unintended and harmful effects on individuals, especially those in lower income positions, despite widespread empirical evidence from scholars across the political spectrum.

Senate Bills 232 and 233 would represent an important step in streamlining the license issuance process in Wisconsin. With businesses around the state looking for workers, the timing is more important than ever to address potential logjams that prevent people from pursuing their profession in a timely manner. Currently, potential licensees must often wait for a credentialing board to take action before they are able to work. Some boards, meet quite infrequently, which can often exacerbate the delays that licensees experience. For example, the Auctioneer Board meets quarterly. So, any issues that arise with licenses would force applicants to wait for significant period of time before working.

Senate Bill 232 creates a process for the Department of Safety and Professional Services (DSPS) to issue temporary provisional licenses for individuals going through their initial licensure process. Backlogs for processing of initial licenses have been well documented and this bill offers a simple solution to the problem. Allowing an otherwise qualified to practice in the profession makes sense at this time. However, the legislature should continue to explore removing unnecessary, burdensome barriers that serve little purpose to protecting public health and safety.

Senate Bill 233 allows a credentialing board to delegate their authority to issue credentials to DSPS. This move is advisable because the department has the ability and capacity to process

credentials in a timelier manner than credentialing boards that do not meet as regularly. This allows workers to gain employment without unnecessary delay. The vast majority of applicants have no issues with their application, so waiting for a board to act is unnecessary. Furthermore, having the request approved by the tenth day (at the very latest) ensures applications are efficiently processed. Considering the impact the pandemic has had on employment in Wisconsin, it would be in the state's best interest to pass both these bills. Thank you for your time.

Kyle Koenen
Policy Director
Wisconsin Institute for Law & Liberty



Wisconsin Society of Radiologic Technologists

5/26/2021

Dear Chairperson Senator Felzkowski, Vice Chair Senator Stafsholt, and all members of the Senate Committee on Insurance, Licensing, and Forestry,

Please accept this testimony for the hearing on SB 233 from the Wisconsin Society of Radiologic Technologists. Thank you for this opportunity to offer input on this important legislation.

The Wisconsin Society of Radiologic Technologists (WSRT) is the professional organization of radiologic technologists in the state of Wisconsin, and an affiliate of the American Society of Radiologic Technologists. Radiologic Technologists are the gatekeepers of Standard of Care diagnostic imaging by providing optimum medical image quality for patients, at the lowest possible radiation exposure. The WSRT represents approximately 7,000 registered radiologic professionals and is in strong support of the licensure of radiologic technologists and issuance of permits to qualified limited x-ray machine operators (LXMO). Chapter 462 of Wisconsin state statutes was enacted in 2010 to ensure that patients receive only safety-conscious, cost-effective, and quality radiologic imaging throughout the state.

Wisconsin is fortunate to have a robust network of educational programs in radiologic technology to meet the needs of its patients. Various technical colleges and universities articulate with hospital sites throughout the state to fulfill the didactic and clinical requirements of the rigorous program. Students are prepared to become credentialed professionals by passage of the American Registry of Radiologic Technologists (ARRT) examination. Once credentialed by the ARRT, the individual is eligible to apply for their Wisconsin license, validating their competency in this essential health care role. Recently, the ARRT initiated a process for ensuring on-going technologist proficiency on a long-term basis, through its new Continuing Qualifications Requirements (CQR). This ARRT program will continue to serve Wisconsin's patients with the support of the WSRT and our state licensing process.

The radiologic technologists of Wisconsin rely on the Department of Safety and Professional Services (DSPS) to process license applications on a timely basis to be part of the health care workforce. The WSRT is cognizant of challenges experienced by some applicants having been queried for information and advice in obtaining their licenses. It is not clear as to why some requests have been in the system for weeks, and up to months in some cases. The WSRT recognizes a need to allow properly credentialed radiologic technologists to work in Wisconsin. Chapter 462 was created to place no onerous additional state requirements upon applicants to qualify for the radiologic technologist license credential. With this in mind, the WSRT is in general approval of SB 233 with the following considerations:

- The bill promotes overall timely review of license applications;
- The bill endorses communication and collaboration between each occupation's credentialing board and the DSPS staff ;
- There is a finite 10 day period that must be respected for the issuance of the license credential after the application is considered complete by the DSPS;

- SB 233 recognizes that appropriate investigation by DSPS will continue to ensure each applicant satisfies the eligibility requirements set forth in Chapter 462.

It is important that any investigation related to arrest and conviction records should continue to ensure integrity of persons seeking to work in a patient care role, which SB 233 endorses. We advocate that the DSPS and the individual credentialing boards work together to expedite those investigations to determine the disposition of applications requiring additional scrutiny. It is suggested that the state explore digital methods of processing applications that may help to streamline approvals instead of the physical mail and manual entry methods currently in place. The WSRT believes that licensure promotes protection of Wisconsin's patients through review by the DSPS and the Radiography Examining Board, guided by reasonable legislative provisions.

Respectfully submitted,

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