

SAFETY AND PROFESSIONAL SERVICES

Budget Summary						FTE Position Summary				
Fund	2022-23 Adjusted Base	Governor		2023-25 Change Over Base Year Doubled		2022-23	Governor		2024-25 Over 2022-23	
		2023-24	2024-25	Amount	%		2023-24	2024-25	Number	%
FED	\$537,500	\$543,100	\$542,300	\$10,400	1.0%	1.70	1.70	1.70	0.00	0.0%
PR	<u>60,517,800</u>	<u>73,348,400</u>	<u>75,254,900</u>	<u>27,567,700</u>	22.8	<u>240.44</u>	<u>319.94</u>	<u>318.94</u>	<u>78.50</u>	32.6
TOTAL	\$61,055,300	\$73,891,500	\$75,797,200	\$27,578,100	22.6%	242.14	321.64	320.64	78.50	32.4%

Budget Change Items

Departmentwide

1. STANDARD BUDGET ADJUSTMENTS

Governor: Increase funding by \$310,300 (-\$16,800 FED and \$327,100 PR) and delete 2.0 PR positions in 2023-24, and provide \$279,600 (-\$16,800 FED and \$296,400 PR) and delete 2.0 PR positions in 2024-25 to reflect the net effect of the following standard budget adjustments: (a) turnover reduction (-\$351,400 PR annually); (b) removal of non-continuing elements (-\$145,800 PR and -2.0 PR positions in 2023-24 and -\$176,700 PR and -2.0 PR positions in 2024-25); (c) full funding of continuing position salaries and fringe benefits (-\$16,800 FED and \$897,500 PR annually); and (d) full funding of lease and directed moves costs (-\$73,200 PR in 2023-24 and -\$73,000 PR in 2024-25).

	Funding	Positions
FED	-\$33,600	0.00
PR	<u>623,500</u>	<u>- 2.00</u>
Total	\$589,900	- 2.00

2. SYSTEM PLATFORMS SUBSCRIPTIONS AND MAINTENANCE

PR	\$4,352,400
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Governor: Provide \$2,117,900 in 2023-24 and \$2,234,500 beginning in 2024-25 for the following system platforms subscriptions and maintenance: (a) \$1,760,700 in 2023-24 and \$1,813,600 in 2024-25 for various software subscriptions and maintenance for LicenseE components required for operation of the system for health and business occupation credentialing; (b) \$135,800 in 2023-24 and \$139,900 in 2024-25 for the software subscriptions and maintenance fees of the electronic Safety and Licensing Application (eSLA) for safety and building plan reviews and permitting; and (c) \$221,400 in 2023-24 and \$281,000 in 2024-25 for a variety of software subscriptions and maintenance, including for electronic forms, call center functions, and

other DSPS internal operations.

3. DIVISION OF ENTERPRISE TECHNOLOGY CONSULTING SERVICES

PR	\$2,480,200
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Governor: Provide \$1,208,500 in 2023-24 and \$1,271,700 in 2024-25 to support costs charged by the Division of Enterprise Technology (DET) in the Department of Administration (DOA), which provides information technology (IT) functions to DSPS. These amounts would include ongoing funding of \$283,600 in 2023-24 and \$292,000 beginning in 2024-25, and one-time funding of \$924,900 in 2023-24 and \$979,700 in 2024-25 to address IT programming enhancements, process improvements, and deployment of statewide projects to be adopted by all agencies' public-facing services.

4. EQUIPMENT AND SOFTWARE UPGRADES

PR	\$445,800
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Governor: Provide \$219,700 in 2023-24 and \$226,100 in 2024-25 as one-time funding for equipment updates. Funding would be intended to support replacement of agency equipment that has become obsolete or otherwise reached the end of its functionality.

5. PAY INCREASES FOR CRITICAL POSITIONS

PR	\$572,300
FED	<u>44,000</u>
Total	\$616,300

Governor: Provide \$313,900 in 2023-24 (\$291,500 PR and \$22,400 FED) and \$302,400 in 2024-25 (\$280,800 PR and \$21,600 FED) to support salary and fringe increases for permanent and project positions in the license and permit program associate or office operations associate groups in DSPS. Increases would affect an estimated 42.0 positions and in most instances be \$6,480 per year, per position.

6. MILITARY PATHWAYS GRANT PROGRAM

PR	\$100,000
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Governor: Provide \$50,000 each year in one-time funding to continue the Military Pathways Grant Program, by which military training may be creditable or transferrable to credentials for certain civilian jobs. The program was created under 2021 Act 58, which provided \$50,000 each year in one-time funding. Eligible applicants include colleges, universities, apprenticeship programs, or other entities that create curricula to connect existing military training with licensed civilian occupations. DSPS reports that Milwaukee Area Technical College received the grant in 2021-22 to hire a part-time veterans project specialist position to assist in transferring military training and credentials to college transcripts.

7. EQUITY OFFICER POSITION

	Funding	Positions
PR	\$85,900	0.50

Governor: Provide \$37,600 in 2023-24 and \$48,300 in 2024-25 and 0.5 position annually to create an agency equity officer position. The agency equity officer would be responsible for collaborating

with the chief equity officer in the Department of Administration and with other agency equity officers to identify opportunities to advance equity in government operations. [See "Administration -- General Agency Provisions."]

8. LICENSURE FOR UNDOCUMENTED PERSONS

Governor: Provide that an individual that is not a U.S. citizen may receive a license, credential, permit, certification, or other work-related approvals, so long as a person meets all other requirements or qualifications for the approval being sought. Under federal law, certain persons who are not U.S. citizens may not receive "state or local public benefits," including professional occupational or commercial licenses or credentials. However, federal law also allows states to enact a law specifically authorizing the receipt of such benefits by persons otherwise presumed to be ineligible.

[Bill Section: 3393]

9. REVIEW OF VIOLATIONS RECORDS

Governor: Specify that DSPS, at its discretion, may choose not to investigate the following types of violations when determining applicant eligibility for licensure: (a) first-offense violations of operating vehicles or machinery while intoxicated that occurred more than five years prior to application; (b) certain violations of trying to procure alcohol under the age of 21; and (c) minor, nonviolent ordinance violations as determined by DSPS. Authorize DSPS to promulgate emergency rules to implement the provision, and specify rules remain in effect until the sooner of July 1, 2025, or permanent rules taking effect.

[Bill Sections: 2798 and 9138(2)]

10. LICENSE PORTABILITY

Governor: Specify that DSPS and its affiliated credentialing boards may promulgate rules to facilitate enhanced credential portability and paths to credentialing for internationally trained professionals and increased license reciprocity. Under current law, reciprocal licensing is provided for certain professions, and the statutes in general specify that DSPS may recognize credentials from another state only if the education, experience, and examination requirements are at least equivalent to those of Wisconsin license holders. Rules promulgated would be required to comport with existing statutory provisions.

[Bill Sections: 2801 and 2803]

Regulation of Professions

1. LICENSE PROCESSING STAFF

	Funding	Positions
PR	\$2,215,600	16.00

Governor: Provide ongoing funding of \$968,700 in 2023-24 and \$1,246,900 in 2024-25 with 16.0 permanent positions to process license applications in the Division of Professional Credential Processing (DPCP). The following table shows the types of positions that would be provided and the funding that would be budgeted to support these positions in 2023-24 and 2024-25.

License Processing Staff -- Governor's Recommendation

<u>Position Title/Category</u>	<u>Positions</u>	<u>Funding</u>	
		<u>2023-24</u>	<u>2024-25</u>
License Permit Program Associate -- Health	8.00	\$364,100	\$485,300
License Permit Program Associate -- Business and Trades	6.00	273,000	364,000
Records Management Supervisor -- Health	1.00	55,200	73,600
Paralegal -- Legal	1.00	43,300	57,700
Subtotal	16.00	\$735,600	\$980,600
Supplies and Services		\$233,100	\$266,300
Total	16.00	\$968,700	\$1,246,900

As of February 1, 2023, DSPS has assigned 64.0 positions to its Division of Professional Credential Processing. This includes 42.0 license permit program associates of various classes, 8.0 office operations associates, 4.0 attorneys, 3.0 paralegals, 3.0 program and policy analysts, 3.0 records management supervisors, and 1.0 division administrator.

2. CALL CENTER STAFF

	Funding	Positions
PR	\$1,811,300	14.00

Governor: Provide ongoing funding of \$793,000 in 2023-24 and \$1,018,300 in 2024-25 with 14.0 office operations associate permanent positions to provide additional customer service call center staff within the DPCP Customer Service Center (CSC). DSPS reports CSC is assigned 6.0 office operations associates and 1.0 supervisor. The agency reports it has also utilized limited-term employees and has contracted 20 additional employees through a third-party company using funds from the federal American Rescue Plan Act (ARPA). The Administration would assign state-funded staff to handle ongoing call volumes once federal ARPA funds have been exhausted.

3. BOARD SUPPORT STAFF

	Funding	Positions
PR	\$1,730,600	10.00

Governor: Provide ongoing funding of \$753,700 in 2023-24 and \$976,900 in 2024-25 with 9.0 permanent positions and 1.0 two-year project position to provide existing and new credentialing boards with policy, legal, and administrative services.

The following table shows how these additional positions would be allocated within the Department, the types of positions that would be provided, and the funding that would be budgeted to support these positions in 2023-24 and 2024-25.

Board Support Staff -- Governor's Recommendation

Position Title/Category	Positions	Funding	
		2023-24	2024-25
Division of Legal Services and Compliance			
Attorney	3.00	\$178,400	\$237,600
Pharmacy Practices Consultant	1.00	102,500	136,700
Real Estate Specialist	1.00	55,200	73,600
Senior Consumer Protection Investigator	1.00	55,200	73,600
Program and Policy Analyst*	1.00	55,200	73,600
Consumer Protection Investigator	<u>1.00</u>	<u>51,000</u>	<u>68,100</u>
Subtotal	8.00	\$497,500	\$663,200
Division of Policy Development			
Administrative Policy Advisor	1.00	\$55,200	\$73,600
Administrative Rules Coordinator	<u>1.00</u>	<u>55,200</u>	<u>73,600</u>
Subtotal	2.00	\$110,400	\$147,200
Supplies and Services		\$145,800	\$166,500
Total	10.00	\$753,700	\$976,900

*Two-year project position

4. LICENSE NAVIGATORS

	Funding	Positions
PR	\$256,200	2.00

Governor: Provide \$113,200 in 2023-24 and \$143,000 in 2024-25 with 2.0 PR positions to create license navigator positions. The Administration indicates that these positions would be intended to help individuals, employers, and higher education institutions better understand and complete the credentialing process, as individuals applying for licensure may experience varying degrees of complexity in the processes depending on their backgrounds and circumstances. The Administration would intend for navigators to attend conferences and career fairs, develop training programs on licensing protocols, or to otherwise educate future applicants and stakeholders on the licensing process.

5. LICENSURE ATTAINMENT AND FLEXIBILITY SPECIALISTS

	Funding	Positions
PR	\$776,100	5.00

Governor: Provide \$341,200 in 2023-24 and \$434,900 in 2024-25 with 5.0 positions to create license attainment specialists. The Administration indicates that the positions would be intended to enhance licensure opportunity in Wisconsin through multistate compacts and reciprocity agreements. DOA indicates that 1.0 position would work on licensure compact development with the various credentialing boards, 1.0 would research and facilitate credentialing for persons trained internationally in healthcare fields, and 3.0 would expedite licensing decisions for applicants who already held credentials in other states.

6. PROGRAM REVENUE RETENTION

PR	\$3,543,600
GPR-REV	-\$3,543,600
PR-REV	\$3,543,600

Governor: Eliminate the statutory requirement that DSPS must transfer 10% of revenues from health and business credentialing fees and educational approval fees to the general fund. The Administration estimates that \$1,771,800 annually would be retained as program revenues, rather than transferred to the general fund. The bill would increase the DSPS general operations appropriation for health and business occupational credentialing by the same amount.

[Bill Sections: 285 thru 288 and 290]

7. PRESCRIPTION DRUG MONITORING PROGRAM

PR	\$1,115,200
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Governor: Provide \$253,800 in 2023-24 and \$861,400 in 2024-25 in ongoing funding for software improvements, electronic health records integration, and recurring licensing costs for the state's electronic Prescription Drug Monitoring Program (ePDMP). The ePDMP is an online opioid database used by approximately 70,000 registered users, including Wisconsin pharmacy staff, healthcare professionals, law enforcement agencies, and public health officials to prevent opioid abuse in the state. Originally created by 2009 Wisconsin Act 362, the program's development and deployment was funded by various federal grants.

DSPS funds the ePDMP with the agency's health and business professions general program operations PR appropriations. Recent improvements to the ePDMP were made using funds from the federal Harold Rogers PDMP Grant Program, including \$1.9 million in 2019-20 and \$1.6 million in 2020-21. An award of \$1.4 million was granted to Wisconsin in 2021-22.

8. RENEWAL DATES AND NURSING WORKFORCE SURVEY

Governor: Eliminate the statutory renewal dates for health and business professions under s. 440.08 (2) (a) of the statutes, effective six months following the bill's effective date. Direct DSPS, in collaboration with credentialing boards, to establish new renewal cycles, and authorize DSPS to stagger renewal cycles among credential holders. Require DSPS and credentialing boards to notify credential holders of any newly established dates. Allow the Department and

credentialing boards to establish a process to transition credential holders from previous renewal cycles to those newly established, and authorize the Department to adjust renewal fees if the biennial fee-setting process is not revised prior to a new credential fee taking effect.

In certain instances, the provision would delete statutory maximum credential lengths, or the number of times a credential may be renewed, and authorize the Department to establish those limits. Those instances include: (a) for private detectives, a two-year maximum credential term; (b) for substance abuse counselors in training, clinical supervisor counselors in training, or prevention specialists in training, a maximum of two renewals; and (c) for athlete agents, a certificate of registration being valid for two years.

Continuing Education. Allow DSPS and its credentialing boards to adjust or prorate continuing education requirements and to establish interim continuing education or other reporting requirements as needed to align with the new renewal cycles. In certain instances, a number of continuing education credits or hours specified by statute for a two-year credential cycle would be specified as the minimum, maximum, or designated number of credits or hours required over any two-year period.

For certain professions, the bill would require a two-year period in which no continuing education would be required for newly credentialed persons, including for home inspectors, chiropractors, dental hygienists, dentists, dental therapists, pharmacists, psychologists, nursing home administrators, hearing instrument specialists, and speech-language pathologists and audiologists. The provision would be generally consistent with current allowances for a two-year waiver of continuing education for new credential holders in their first term. A waiver of continuing education requirements would be at the discretion of the board for genetic counselors.

Nursing Workforce Survey. Repeal the requirement that registered nurses or licensed practical nurses must submit a nursing workforce survey with every license renewal application as a condition of the renewal. Instead require that a survey be completed biennially by nurse licensees.

[Bill Sections: 289, 1885, 2452, 2792, 2793, 2799, 2800, 2802, 2806 thru 2809, 2811 thru 2821, 2825 thru 2838, 2841, 2843, 2844, 2854, 2856, 2859, 2866, 2873, 2879 thru 2900, 2917, 2919 thru 2925, 2927 thru 2929, 2949 thru 2956, 2959, 2960, 2962 thru 2968, 2970 thru 2973, 2975, 2976, 2982 thru 2985, 2994 thru 2998, 3000 thru 3025, 3029, 3032 thru 3035, and 9438(2)]

9. CONTINUING EDUCATION CERTIFICATION FOR REALTORS

PR	\$100,000
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Governor: Provide \$100,000 in one-time funding in 2023-24 to support the Wisconsin Realtors Association in the establishment of continuing education requirements for realtors in the state.

10. ADVANCED PRACTICE REGISTERED NURSING

Governor: Authorize individuals to obtain advanced practice registered nursing (APRN) licenses in Wisconsin by: (a) creating licensure requirements; (b) specifying conditions under which APRNs may practice; (c) defining the scope of practice for APRNs; (d) specifying the settings where APRNs may practice; and (e) providing new responsibilities to the Nursing Board relating to the regulation of APRNs. Under current law, the Nursing Board licenses and regulates various classes of nurses. The current statutes contain limited references to licensure of advanced practice registered nurses. In general terms, an APRN would have a broader range of practice and more advanced educational requirements than a registered nurse or licensed practical nurse. The bill would implement provisions of 2021 Assembly Bill 396/Senate Bill 394.

Licensure Requirements

Application. Require the Board of Nursing to grant an APRN license to an individual who satisfies the following criteria: (a) submits an application for the license to the Department; (b) pays the applicable license fee; and (c) possesses malpractice liability insurance. The bill would also require persons to submit evidence satisfactory to the Board that the individual: (a) has completed an accredited graduate-level or postgraduate-level education program preparing the person to practice as an APRN in one of the four recognized roles, described in a subsequent paragraph, and holds a current national certification approved by the Board; or (b) on January 1, 2023, was licensed as a registered nurse (RN) in Wisconsin, practicing in one of the four recognized roles, and satisfied additional practice or education criteria established by the Board. A person could also receive an APRN license if the certified to issue prescription orders as of the effective date of the provision. Further, licensed nurse-midwives could also be issued an APRN license if so licensed on the day prior to the provision's effective date.

The bill would require the Board, upon granting an individual an APRN license, to also grant the person one or more specialty designations corresponding to the recognized role or roles for which the person qualifies. The four recognized APRN roles are: (1) nurse-midwife; (2) nurse anesthetist; (3) clinical nurse specialist; and (4) nurse practitioner. The bill would limit the use of these titles to persons with an APRN license and the appropriate specialty designation. The bill would also replace numerous instances in the statutes of references to these occupations with the term for an APRN.

Continuing Education, License Renewal and Other Terms. The bill would require all APRNs to complete 16 contact hours in each biennium in clinical pharmacology or therapeutics relevant to the APRN's area of practice and to satisfy certain other requirements when renewing a license. Under the provision, the Board would be required to grant a renewal of both an RN license and the person's APRN license. Applicants renewing both registered nurse and advanced practice registered nurse licenses would only be required to pay a single fee.

Scope of Practice

General Practice. Under the provision, all APRNs except certified nurse-midwives would be required to practice in collaboration with a physician or dentist. APRNs with at least 3,840 hours of professional nursing practice in a clinical setting, and while working with a physician or

dentist during those 3,840 hours, could practice without being supervised by a physician or dentist and upon verification by the Board of Nursing of the clinical hours. Hours practiced in Wisconsin or outside the state could be credited.

The bill would specify an APRN must adhere to professional standards when managing situations that were beyond their expertise, including by consulting with a physician or other provider with a suitable scope of practice to address patient needs. An APRN would be allowed to delegate a task or order to another clinically trained health care worker if the task or order was within the scope of the APRN's practice, the APRN was competent to perform the task or issue the order, and the APRN had reasonable evidence that the health care worker was minimally competent to perform the task or issue the order under the circumstances.

Practice of Nurse-Midwifery. APRNs with a certified nurse-midwife specialty designation would be required, if offering to deliver babies outside of a hospital setting, to file and keep current with the Board a proactive plan for involving a hospital or a physician who had admitting privileges at a hospital in the treatment of patients with acute or emergency care needs that exceed the APRN's scope of expertise and practice. The bill would direct nurse-midwives to perform tests for congenital and metabolic disorders in infants and to assess infants for shaken baby syndrome.

Prescribing Authority. The bill would generally authorize APRNs to issue prescription orders. A person who is certified to issue prescription orders under current law is automatically granted an APRN license with his or her appropriate specialty designation. RNs who are practicing in a recognized role on January 1, 2023, but who do not hold a certificate to issue prescription orders on that date and who are granted an APRN license under the bill would not be permitted to issue prescription orders. Also, an APRN would be authorized to provide pain management services if collaborating or practicing under the supervision of a physician with training, education, and experience in that practice, unless the APRN had otherwise qualified for independent practice, as described separately.

Malpractice Liability Insurance. The bill would require all APRNs to maintain malpractice liability insurance in coverage amounts specified under current law for physicians and nurse anesthetists. APRNs qualified to practice independently and who practice outside a collaborative or employment relationship, but not including those APRNs who only practice as a certified nurse-midwife, would be required to participate in the Injured Patients and Families Compensation Fund. The Injured Patients and Families Compensation Fund provides excess medical malpractice coverage for health care providers who participate in the fund and meet other participation requirements.

Other Provisions

Related Statutory Changes. The bill would allow APRNs to engage in practices or actions consistent with current requirements for included recognized specialties. These would include: (a) issuing disability assessments of persons in the state for purposes of disability license plates, fishing and hunting approvals, or worker's compensation benefits; (b) maintaining records of patient sexually transmitted illness (STI); (c) communicating confidentially with residents of nursing homes or community-based residential facilities; (d) directing the use of physical or chemical restraints for residents of nursing homes or community-based residential facilities; (e)

testifying to the results of physical examinations in courts of law; (f) providing written statements to excuse children from school due to illness, injury, or other issues precluding the children from school attendance; (g) conferring with courts regarding confinement or detainment of individuals deemed threats to themselves or others; (h) disclose infection statuses of deceased patients if coroners, medical examiners, or other medical assistants are at risk of exposure to certain diseases by the deceased patients; (i) administering epinephrine auto-injectors or prefilled syringes; and (j) making therapeutic alternate drug selections for patients in and outside of prisons.

Additionally, the bill would amend sales tax provisions to incorporate the APRN designation regarding an exemption for drugs dispensed to health care practitioners, provided the substance is not available without a prescription.

Board of Nursing. The Board would be required to promulgate rules to implement APRN licensing, including specifying: (a) further provisions on scope of practice; (b) recognized national certifications; (c) training and educational requirements; (d) drugs APRNs would not be authorized to prescribe; and (e) standards of professional conduct.

Effective Date. Specify the provisions would take effect on the first day of the 13th month beginning after publication.

[Bill Sections: 619 thru 625, 791, 1136 thru 1141, 1143, 1147, 1329, 1591, 1592, 1734, 1755 thru 1759, 1761, 1768, 1769, 1884, 2125, 2142 thru 2147, 2301, 2305, 2307, 2308, 2310, 2313, 2315, 2316, 2582, 2583, 2585 thru 2589, 2591 thru 2599, 2601, 2602, 2619 thru 2622, 2640, 2642, 2732, 2753, 2779, 2780, 2794, 2796, 2797, 2804, 2805, 2822, 2824, 2839, 2840, 2842, 2845 thru 2853, 2855, 2857, 2858, 2860 thru 2865, 2867 thru 2872, 2874 thru 2878, 2945 thru 2948, 2957, 2958, 2961, 2969, 2977 thru 2979, 2981, 2987 thru 2993, 3028, 3112 thru 3132, 3318, 3324, 9138(3), and 9438(3)]

11. DENTAL THERAPISTS

Governor: Authorize individuals to practice dental therapy in Wisconsin by: (a) creating licensure requirements; (b) specifying conditions under which dental therapy can be practiced; (c) defining the scope of practice for dental therapists; (d) specifying the settings where a dental therapist may practice; and (e) providing new responsibilities to the Dentistry Examining Board relating to the regulation of dental therapists. Under current law, the Board licenses and regulates dentists and dental hygienists. The current statutes contain no references to the practice of dental therapy. In general terms, a dental therapist would have a broader scope of practice than a dental hygienist, but not the full authority granted to a dentist. The recommendations described in the subsequent sections would mostly enact provisions of 2021 Assembly Bill 169/Senate Bill 181.

Initial Licensure Requirements

General Requirements. Require the Board to grant a license for dental therapy to an individual who satisfies the following criteria: (a) submits an application for the license to the Department; (b) pays the applicable license fee; (c) submits evidence satisfactory to the Board that of graduation from a dental therapy program, as described in a separate paragraph; (d) meets examination requirements, as described in a separate paragraph; (e) demonstrates to the Board

current proficiency in cardiopulmonary resuscitation (CPR), including the use of an automated external defibrillator achieved by an individual, organization, or institution of higher education to provide such instruction; and (f) completes any other requirements established by the Board by rule that are comparable to, and no more restrictive than, the requirements established by the Board for dentists and dental hygienists. Require an applicant to submit information on licensure in another U.S. state or territory, if required by the Board and the applicant is licensed in another state or territory.

Dental Therapy Program Graduation. Require an applicant to have completed one of the following: (a) a dental therapy program accredited by the American Dental Association (ADA) commission on dental accreditation, or a successor entity; (b) a dental therapy education program that was not ADA-accredited at the time of graduation, but was accredited or approved by the Minnesota Board of Dentistry; or (c) a dental therapy program that is not ADA-accredited, but that is approved by the Wisconsin Dentistry Examining Board, if the program is determined to be substantially similar to an ADA-accredited program.

Examinations. Require an applicant to: (a) submit evidence satisfactory to the Board that he or she has passed a national dental therapy examination and a dental therapy clinical examination administered by a regional testing service approved by the Board, or, if such an examination does not exist, an alternative examination administered by another entity or testing service approved by the Board; and (b) pass an examination administered by the Board on Wisconsin's statutes and rules relating to dental therapy.

Temporary Credentials. Authorize dental therapists to be issued temporary credentials under current law for persons holding unexpired credentials from a different state, not under disciplinary proceedings in any state, and who have applied for permanent credentials in Wisconsin. Authorize dental therapists licensed outside Wisconsin to be issued 10-day permits to conditionally practice in Wisconsin, without compensation, if the services provided would benefit the welfare of persons in the state.

Continuing Education Requirements

Provide that, in order to be eligible for renewal of a license, a dental therapist must complete 12 credit hours of continuing education relating to the practice of dental therapy that is sponsored or recognized by a local, state, regional, national, or international dental, dental therapy, dental hygiene, dental assisting, or medical-related professional organization, during the two-year period immediately preceding the renewal date.

Specify that applicants for renewal must maintain current proficiency in CPR, achieved through approved instruction, and that their continuing education may include up to two hours of training in basic life support or CPR. Require that the 12 credit hours include at least two hours of infection control, and courses in any specific clinical subjects established in rule by the Board, in consultation with the Department of Health Services (DHS). Specify that these credit hours may be satisfied by independent study, correspondence, or online courses. Specify that a person may substitute credit hours of college level courses related to dental therapy for the credit hour requirements, and that one credit hour of a college level course is equivalent to six hours of continuing education. Provide that one hour of teaching or preparing a continuing education

program is equivalent to one hour of continuing education, but a person preparing a program may obtain credit for that program only once. Authorize the Board to require applicants for a renewal of a license to practice dental therapy to submit proof of compliance with these requirements.

Collaborative Management Agreements

Specify that, prior to providing any dental therapy services, a dental therapist must enter into a written collaborative management agreement with a qualifying dentist who would serve as the supervising dentist. The agreement must address all of the following: (a) the practice settings where services may be provided and the patient populations that may be served; (b) any conditions or limitations on the services that may be provided by the dental therapist, the level of supervision required, and any circumstances requiring consultation prior to performing services; (c) age-specific and procedure-specific practice protocols; (d) dental record-keeping procedures; (e) plans for managing dental or medical emergencies; (f) a quality assurance plan for monitoring care provided by the dental therapist; (g) protocols for administering and dispensing medications; (h) criteria or protocols relating to the provision of care to patients with specific medical conditions, treatments, or medications; (i) policies relating to supervision of dental hygienists and other staff; (j) a plan for the referral of patients to other dental or health care professionals or clinics when services needed are beyond the scope of practice or authorization of the dental therapist; (k) whether and to what extent the dental therapist may perform nonsurgical extractions, as defined in the bill.

Provide that each collaborative management agreement must be limited to covering one qualifying dentist and one dental therapist. Provide that a dental therapist may enter into multiple collaborative management agreements, but that no dentist may have collaborative management agreements with more than four dental therapists at any time.

Scope of Practice

Allowable Services, Treatments, and Procedures. Specify that the scope of practice of a dental therapist would be limited to providing the following services: (a) oral evaluation and assessment of dental disease and formulation of an individualized treatment plan; (b) identification of oral and systemic conditions requiring evaluation or treatment by dentists, physicians, or other health care providers and managing referrals; (c) comprehensive charting of the oral cavity; (d) oral health instruction and disease prevention education, including nutritional counseling and dietary analysis; (e) exposure and evaluation of radiographic images; (f) dental prophylaxis, including subgingival scaling and polishing procedures; (g) dispensing and administration via the oral or topical route of nonnarcotic analgesic, anti-inflammatory, and antibiotic medications as prescribed by a licensed health care provider; (h) application of topical preventive or prophylactic agents, including fluoride varnish, antimicrobial agents, caries arresting medicaments, and pit and fissure sealants; (i) pulp vitality testing; (j) application of desensitizing medications or resins; (k) fabrication of athletic mouth guards and soft occlusal guards; (l) changing of periodontal dressing; (m) administration of local anesthetic and nitrous oxide; (n) simple extraction of erupted primary teeth; (o) nonsurgical extraction of periodontally diseased permanent teeth with tooth mobility of +3 to +4 to the extent authorized in the dental therapist's collaborative management agreement, except that "dental therapy" does not include the extraction of a tooth that is unerupted, impacted,

or fractured or that needs to be sectioned for removal; (p) emergency palliative treatment of dental pain; (q) preparation and placement of direct restoration in primary and permanent teeth; (r) fabrication and placement of single-tooth temporary crowns; (s) preparation and placement of preformed crowns on primary teeth; (t) indirect and direct pulp capping on permanent teeth; (u) indirect pulp capping on primary teeth; (v) intraoral suture placement and removal; (w) minor adjustment and repair of removable prostheses; (x) placement and removal of space maintainers; (y) pulpotomy on primary teeth; (z) tooth reimplantation and stabilization; (aa) recementing of a permanent crown; and (ab) any additional services, treatments, or procedures specified in the rules promulgated by the Board.

In addition to specifying these procedures and practices, require that a dental therapist practice those services, treatments, and procedures covered by the dental therapy education program from which the person graduated, or within any subsequent dental therapy education training.

Level of Supervision. Specify that a dental therapist may provide services only under the direct or indirect supervision of a dentist with whom the dental therapist has entered into a collaborative management agreement. "Direct supervision" would be defined as the dentist being present in the dental office or practice setting, personally diagnosing the condition to be treated, authorizing each procedure, and evaluating the dental therapist's performance prior to the patient's departure. "Indirect supervision" would be defined as the dentist being present in the office or practice setting, authorizing a procedure, and remaining in the office for the duration of the procedure.

Authorize a dental therapist to provide services under general supervision of the dentist, and under a collaborative management agreement, upon completion of 2,000 hours of practice under direct or indirect supervision. "General supervision" would be tasks or procedures performed by a dental therapist with the prior knowledge and consent of the dentist, but not requiring the presence of the dentist in the office or on the premises at the time a task or procedure is being performed by the dental therapist. General supervision would not require prior examination or diagnosis of a patient by the dentist before the dental therapist provides services to the patient.

Specify that a supervising dentist must accept responsibility for all services performed by a dental therapist pursuant to a collaborative management agreement and that if services needed by a patient are beyond the dental therapist's scope of practice or authorization under the collaborative management agreement, the dental therapist must consult with the supervising dentist as needed to arrange for those services to be provided by a dentist or another qualified health care professional.

Specify that a dental therapist may authorize a dental hygienist to practice dental hygiene in a facility where the dental therapist is present, or another facility under a written or oral prescription. A dental therapist may also delegate to any unlicensed individual the performance of remediable procedures in a facility where the dental therapist is present, in accordance with an approved treatment plan and subject to inspection by the dental therapist. Specify that a dental therapist may authorize, by prescription, a licensed operator to use diagnostic X-ray equipment on a patient.

Specify that no employment contract under which a dental therapist is employed to practice dental therapy may require a dental therapist to meet a minimum quota for the number of patients seen or the number of procedures performed.

Location of Practice. Require a dental therapist must at all times practice in one of the following: (a) one or more dental health shortage areas, as designated under federal law; or (b) in a setting in which at least 50% of the patient base are: (1) receiving aid under the Medical Assistance (MA) program; (2) uninsured; (3) receiving dental care at free or charitable clinics, or at federal qualified health centers; (4) reside at long-term care centers; (5) veterans; (6) members of a federally recognized American Indian tribe or band; (7) receiving dental care at clinics or facilities on tribal lands; or (8) persons with disabilities or chronic conditions the create barriers to accessing dental care.

Other Provisions

Composition of the Dentistry Examining Board. Specify that, effective when the 50th individual becomes licensed as a dental therapist in the state, following the Board's notification to the Legislative Reference Bureau for publication in the Wisconsin Administrative Register, the Governor shall to the extent possible appoint at least one dental therapist to the Dentistry Examining Board if appointing one of the three Board seats to be held by dental hygienists. Specify the appointment must occur no later than five years following the bill's publication.

Rulemaking. Require the Board to present a statement of scope for permanent and emergency rules required to implement the licensure of dental therapists no later than the 30th day after the bill's general effective date. Provide that if the Governor does not disapprove the statement of scope by the 30th day after the statement is presented to the Department of Administration, the statement would be considered approved by the Governor.

Require the Board to promulgate emergency rules that are necessary to implement these provisions, which would remain in effect for two years, or until the date on which permanent rules take effect, whichever is sooner. Require the Board to submit a proposed emergency rules no later than the 150th day after the bill's general effective date, and specify that if the Governor does not reject the proposed emergency rule by the 14th day after the rule is submitted to the Governor in final draft form, the emergency rule would be considered approved by the Governor.

Require the Board to submit a proposed permanent rule required to implement these provisions no later than 365 days after the effective date of the bill. Provide that if the Governor does not reject the proposed permanent rule by the 30th day after the rule is submitted to the Governor in final draft form, the permanent rule would be considered to be approved by the Governor.

Other Related Statute Changes. Modify various statutory provisions relating to healthcare provider rights and responsibilities that apply to dentists to also apply to dental therapists, including: (a) requiring persons or businesses offering dental therapy to comply with health records preservation provisions established by the Dentistry Examining Board; (b) expanding the definition of "health care provider" for the purposes of the health care records law to include dental therapists; (c) expanding the definition of "volunteer health care provider" for the purposes of the

volunteer health care provider program to include dental therapists, and specify that a dental therapist may provide dental services under this program; (d) expanding the definition of "health care provider" for the purposes of the health care worker protection program enforced by the Department of Workforce Development to include dental therapists; (e) expanding the definition of "health care provider" for the purposes of power of attorney for health care to include dental therapists; (f) specifying that the statutes prohibiting discrimination on the basis of HIV status apply to dental therapists; (g) expanding the definition of "health care provider" for the purposes of the emergency volunteer health care practitioner law to include dental therapists; (h) specifying that a dental therapist must provide patients with the same information about alternate modes of treatment as is required of a dentist; (i) modifying the statutes relating to insurance coverage to specify that no policy, plan or contract may exclude coverage for diagnosis and treatment of a condition or complaint by a licensed dental therapist within the scope of the dental therapist's license, if the policy, plan or contract covers diagnosis and treatment of the condition or complaint by another health care provider; (j) modifying the civil liability exemption for emergency medical care to cover health care rendered by dental therapists; and (k) modifying the criminal statute relating to possession, distribution, or delivery of nitrous oxide to specify that nitrous oxide may be administered by a dental therapist for the purpose of providing dental care.

[Bill Sections: 74, 2304, 2306, 2309, 2311, 2312, 2314, 2317, 2590, 2639, 2641, 2795, 2810, 2823, 2901 thru 2916, 2918, 2926, 2930 thru 2944, 2974, 2980, 2986, 3026, 3027, 3030, 3031, 3092, 3232, 3233, 3302, 9138(1), and 9438(1)]

Safety and Buildings Programs

1. BUILDING PLAN REVIEW

	Funding	Positions
PR	\$3,936,200	25.00

Governor: Provide 25.0 positions to increase commercial building plan review staff in the Division of Industry Services. The Administration indicates that the three proposals described in the following paragraphs would increase plan review staff to facilitate reviews in ways suggested by construction industry participants.

Schedule-in-Advance Plan Review

Governor: Provide ongoing funding of \$470,300 in 2023-24 and \$610,200 in 2024-25 with 7.0 permanent plan review positions to conduct plan reviews that are scheduled in advance of plan paperwork submission but not submitted until 48 hours prior to review appointments with DSPS. The positions would be intended to respond to certain construction firms that utilize a plan creation process whereby the final plan is not complete until shortly before construction. DSPS and the Administration intend for the provision to accommodate plan reviews in a timely manner commensurate with actual building timelines. All 7.0 positions would be supported by the DSPS appropriation for safety and buildings general operations.

Schedule-in-Advance Plan Review -- Governor's Recommendation

<u>Position Title/Category</u>	<u>Positions</u>	<u>Funding</u>	
		<u>2023-24</u>	<u>2024-25</u>
Senior Commercial Building Plan Reviewer	2.00	\$110,400	\$147,200
Fire Systems Plan Reviewer	2.00	110,400	147,200
Plumbing Plan Reviewer	2.00	94,300	125,700
Senior Elevator Plan Reviewer	<u>1.00</u>	<u>55,200</u>	<u>73,600</u>
Subtotal	7.00	\$370,300	\$493,700
Supplies and Services		\$100,000	\$116,500
Total	7.00	\$470,300	\$610,200

Four-Week Plan Review

Governor: Provide ongoing funding of \$972,500 in 2023-24 and \$1,263,000 in 2024-25 with 14.0 permanent positions to provide building and plumbing plan review in four weeks or less. DSPS has reported that discussions with industry stakeholders suggested that plan reviews should occur in 20 business days or less to align with construction industry practices. DSPS indicates that such plans are, in most cases, currently reviewed in 30 business days or less and that the provision would allow the Department to meet the suggested 20-day time frame. All 14.0 positions would be allocated to the DSPS appropriation for safety and buildings general operations.

Four-Week Plan Review -- Governor's Recommendation

<u>Position Title/Category</u>	<u>Positions</u>	<u>Funding</u>	
		<u>2023-24</u>	<u>2024-25</u>
Senior Commercial Building Plan Reviewer	6.00	\$331,000	\$441,400
Fire Systems Plan Reviewer	4.00	220,700	294,300
Plumbing Plan Reviewer	3.00	141,400	188,600
Senior Elevator Plan Reviewer	1.00	55,200	73,600
Miscellaneous Salary and Fringe Benefits		<u>24,200</u>	<u>32,100</u>
Subtotal	14.00	\$772,500	\$1,030,000
Supplies and Services		\$200,000	\$233,000
Total	14.00	\$972,500	\$1,263,000

Accelerated Review of Small Projects

Governor: Provide ongoing funding of \$270,000 in 2023-24 and \$350,200 in 2024-25 with 4.0 permanent positions to provide building and plumbing plan reviews in one week for small and simple plans. The 4.0 positions would include: (a) 1.0 commercial building plan reviewer; (b) 1.0 plumbing plan reviewer; (c) 1.0 fire systems plan reviewer; and (d) 1.0 elevator plan reviewer.

2. INDUSTRY SERVICES FIELD INSPECTION STAFF

	Funding	Positions
PR	\$723,600	5.00

Governor: Provide ongoing funding of \$315,300 in 2023-24 and \$408,300 in 2024-25 with 5.0 permanent positions to increase departmental presence in certain plan review activities and reduce wait times on building inspections. The 5.0 positions would include: (a) 2.0 commercial building plan inspectors; (b) 1.0 elevator inspector; (c) 1.0 boiler inspector; and (d) 1.0 electrical inspector. All 5.0 positions would be allocated to the appropriation for DSPTS safety and buildings general operations.

3. MUNICIPAL BUILDING INSPECTION AND OVERSIGHT

	Funding	Positions
PR	\$161,200	1.00

Governor: Provide \$70,800 in 2023-24 and \$90,400 in 2024-25 with 1.0 position for coordinating municipal building inspection programs. The statutes allow DSPTS to delegate certain building plan review and inspection functions to municipalities. The position to be created would provide increased oversight and training to ensure that delegated municipalities are informed of, and implementing, consistent building code standards in the state.

4. PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM (POWTS) GRANT PROGRAM UPDATE AND CONTINUATION

PR	\$1,680,000
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Governor: Reinstate the grant program for the replacement or rehabilitation of failing private on-site wastewater treatment systems (POWTS), also called septic systems. Under current law, the program is repealed on June 30, 2023. Provide \$840,000 each year in a continuing appropriation.

In addition, change the installation deadline for POWTS grant eligibility to include systems installed at least 33 years before a person submitted a grant application. Current program eligibility extends only to systems installed before July 1, 1978, or approximately 45 years ago.

Further, retain the current program limit of \$45,000 in annual family income for persons applying for a grant for a POWTS serving a principal residence. However, require DSPTS on July 1, 2024, and each July 1 thereafter, to adjust the income limit by the percentage change in the U.S. Consumer Price Index for urban wage earners and clerical workers (CPI-W), U.S. city average, for the prior year, rounded to the nearest dollar. Require DSPTS to publish the change in income limit on the Department website. Exempt the annual income limit change from being promulgated through the administrative rule process.

The POWTS grant program provides financial assistance to certain owners of a principal residence or small commercial establishment to cover a portion of the cost of repairing or replacing failing private onsite wastewater treatment (septic) systems. Under 2021 Wisconsin Act 67, the grant program is repealed on June 30, 2023. The last year of funding for the program is 2022-23, and final awards were made in the fall of 2022. The provision would extend the program indefinitely. The program is funded from a transfer from the DSPTS safety and buildings operations

appropriation, which receives program revenue from sanitary permits and private onsite wastewater treatment system plan review fees, as well as fees from other building permit, plan review, inspection, and credentialing activities. The bill would recreate statutes governing the POWTS grant program nearly identically to current program provisions, except as described above.

[Bill Sections: 291, 293, 2297 thru 2299 and 2646]

5. PRIVATE SEPTIC SYSTEM PLAN REVIEWERS

	Funding	Positions
PR	\$282,000	2.00

Governor: Provide \$123,000 in 2023-24 and \$159,000 in 2024-25 and 2.0 permanent positions for private septic system plan review. DSPTS is authorized 6.0 permanent private septic system plan reviewers, and 2021 Act 67 provided 2.0 two-year project septic system plan reviewers that expire on June 30, 2023. This provision would make the Act 67 positions permanent.

6. PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM RESEARCH

PR	\$216,000
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Governor: Provide \$116,000 in 2023-24 and \$100,000 in 2024-25 as one-time funding to support research related to POWTS and potential effects on nearby drinking water wells. The Administration indicates that the provision would allow for evaluation and organization of data from recent water quality studies in Kewaunee County and southwest Wisconsin to determine a relationship between age of septic systems and well contamination, and also provide for performance monitoring of POWTS.

7. TRADE EXAMINATION PROVIDERS

PR	\$1,000,000
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Governor: Provide \$500,000 each year in one-time funding for procurement of third-party trade examination services. Under current law, examinations for health and business professions may be conducted by a test service provider outside the Department. The bill would extend the authorization to examinations for building trades occupations. The provision would authorize DSPTS to contract with a third-party vendor to administer trade exams through an online platform. The Administration indicates that individuals taking the exams would pay the selected vendor directly for the examination. The \$1 million over the biennium would be intended for vendor procurement processes.

[Bill Sections: 1741, 2295, and 2296]

8. SUM SUFFICIENT APPROPRIATION FOR INSPECTION CONTRACT ACCOUNTING

PR	-\$1,130,000
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Governor: Create a new sum sufficient appropriation to account for contracted activities by the Division of Industry Services. Delete \$565,000 each year in expenditure authority under safety

and buildings general operations for third-party contracted inspection services. DSPS is one of several state agencies that had previously not included in its annual fiscal reporting certain amounts associated with contractor activities for which the agency does not directly receive revenues or incur expenses. DSPS indicates that these activities relate to inspections performed on behalf of the Division of Industry Services for such things as boilers, electrical systems, uniform dwelling code inspections, and elevators. Although these activities have been reported in the Wisconsin Annual Fiscal Report, they had been presented as accounting notes rather than transactions under legislatively created appropriations.

2021 Act 58 provided \$565,000 in expenditure authority annually to reflect costs attributable to DSPS' contracted activities. The provision would delete Act 58 funding for inspection contract accounting and record such activity under the sum sufficient appropriation in the amounts necessary to reflect the third-party services performed under the auspices of DSPS. Contracted activities can vary greatly in cost depending on multiple factors, and the provision does not budget any estimated costs.

[Bill Section: 292]

9. YOUTH VOLUNTEER FIREFIGHTER TRAINING PROGRAM

PR	\$200,000
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Governor: Provide \$100,000 each year in ongoing funding to continue the Youth Volunteer Firefighter Training Program. The program provides grants to fire departments to create and operate youth firefighter training programs with the goal of increasing recruitment and retention of volunteer firefighters in the state. The grant program was created under 2021 Act 58, which provided with \$50,000 PR each year in one-time funding. Funding in the 2021-23 biennium has been awarded to six grantees, with individual grants being between \$4,050 and \$24,950.

10. MANUFACTURED HOUSING REHABILITATION AND RECYCLING PROGRAM

PR	\$40,000
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Governor: Provide \$20,000 in each year as one-time funding for the manufactured housing rehabilitation and recycling program. Under the program, DSPS awards funds for disposal of abandoned manufactured homes and repairs to manufactured homes owned and occupied by low-income, elderly, and disabled persons. Current funding of \$40,000 for the program is administered by the Tomorrow's Home Foundation and comes from the titling fees for manufactured homes, which are deposited into the DSPS general operations appropriation for industry and trades.

11. STRETCH ENERGY CODE WORKING GROUP

	Funding	Positions
PR	\$250,000	1.00

Governor: Provide \$250,000 in one-time funding in 2023-24 with 1.0 one-year project position to establish a working group to evaluate a stretch energy code. Stretch energy codes refer to local energy codes that aim to achieve energy savings in all types of buildings. In Wisconsin, DSPS promulgates rules for design

requirements for construction and equipment, for the purpose of energy conservation in public buildings and places of employment. In general, local units of government are prohibited from establishing and enforcing ordinances for public buildings, places of employment, or one- and two-family dwellings unless those ordinances conform to applicable DSPS rules. The provision would provide DSPS with 1.0 position and funding to create and establish a stretch energy code for Wisconsin, but the provision would not affect current statutory language related to building codes.

12. PROHIBIT USE OF VAPOR PRODUCTS IN INDOOR LOCATIONS

Governor: Specify that the general prohibition on smoking indoors under Chapter 101 of the statutes (industry, safety and buildings) applies to the use of vapor products. Under current law, a vapor product is defined as "a noncombustible product that produces vapor or aerosol for inhalation from the application of a heating element to a liquid or other substance that is depleted as the product is used, regardless of whether the liquid or other substance contains nicotine." The bill would also make changes to the definition of vapor product. [See "General Fund Taxes -- Excise Taxes -- and Other Taxes."]

[Bill Sections: 1742 thru 1749, 2123, 2268, 2281, and 2282]