

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : **REPORT TO THE LEGISLATURE**
DEPARTMENT OF SAFETY AND : **CR 18-100**
PROFESSIONAL SERVICES :

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS: N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The purpose of the proposed rule is to implement 2017 Act 278. 2017 Act 278 allows an individual to obtain a predetermination from a state licensing agency regarding whether he or she would be disqualified from obtaining a license due to a prior conviction before submitting a full license application. This proposed rule will establish uniform procedures and set fees for person to obtain a predetermination from the Department of Safety and Professional Services or any of the attached examining and affiliated credentialing Boards.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD’S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Department of Safety and Professional Services held a public hearing on January 29, 2019. No one testified or provided written comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 5b: In s. SPS 4.035 (3) (intro.), is there any information “related to the conviction record” that would be considered beyond what is included in the application materials? Consider revising that phrase to the “information provided in sub. (1)”, in place of “information related to the conviction record”.

Response: The Department or Board may consider other information beyond what is submitted in the application materials. For example, a criminal background check results or an applicant may submit additional materials. The phrase “information related to the

conviction record” allows the Department or Board to consider all information related to the conviction record when making the determination.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

This proposed rule does not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats.