

## Chapter SPS 4

### DEPARTMENT APPLICATION PROCEDURES AND APPLICATION FEE POLICIES

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**Note:** Chapter RL 4 was renumbered chapter SPS 4 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

**SPS 4.01 Authorization.** The following rules are adopted by the department of safety and professional services pursuant to ss. 440.05, 440.06 and 440.07, Stats.

**History:** Cr. Register, October, 1978, No. 274, eff. 11-1-78; am. Register, July, 1996, No. 487, eff. 8-1-96; correction made under s. 13.92 (4) (b) 6., Stats., Register November 2011 No. 671.

**SPS 4.02 Definitions.** (1) "Applicant" means a person who applies for a license, permit, certificate or registration granted by the department or a board.

(1g) "Arrest record" means information indicating that an individual has been apprehended, taken into custody or detention, held for investigation, arrested, charged with, indicted or tried for any felony, misdemeanor or other offense pursuant to any law enforcement or military authority.

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

(3) "Board" means the board of nursing and any examining board attached to the department.

(3e) "Conviction record" means information indicating that an individual has been convicted of any felony, misdemeanor or other offense, has been adjudicated delinquent, has been less than honorably discharged, or has been placed on probation, fined, imprisoned, placed on extended supervision or paroled pursuant to any law enforcement or military authority.

(3m) "Credential" means a license, permit, or certificate of certification or registration that is issued under chs. 440 to 480, Stats.

(3s) "Credentialing authority" means the department or an attached examining board, affiliated credentialing board or board having authority to issue or deny a credential.

(4) "Department" means the department of safety and professional services.

(5) "Examination" means the written and practical tests required of an applicant by the authority.

(5m) "Investigate" means to determine the arrest and conviction record of an applicant or holder of a credential, including but not limited to:

(a) Determining whether an applicant or holder of a credential has been charged with or convicted of a crime.

(b) Determining the facts and circumstances surrounding an arrest, criminal charge, or conviction.

(c) Determining the outcome and status of an arrest, criminal charges or conviction record, including completion of sentence imposed, probationary terms or parole.

(d) Requiring disclosure of arrest or conviction record by an applicant.

(6) "Service provider" means a party other than the department or board who provides examination services such as applica-

tion processing, examination products or administration of examinations.

**History:** Cr. Register, October, 1978, No. 274, eff. 11-1-78; renum. (1) to (4) to be (4), (3), (1), (5) and am. (5), cr. (2) and (6), Register, July, 1996, No. 487, eff. 8-1-96; CR 04-097: cr. (1g), (3e), (3m), (3s) and (5m) Register May 2005 No. 593, eff. 6-1-05; correction in (4) made under s. 13.92 (4) (b) 6., Stats., Register November 2011 No. 671.

**SPS 4.03 Time for review and determination of credential applications.** (1) **TIME LIMITS.** An authority shall review and make a determination on an original application for a credential within 60 business days after a completed application is received by the authority unless a different period for review and determination is specified by law.

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

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

**History:** Cr. Register, August, 1992, No. 440, eff. 9-1-92; renum. from RL 4.06 and am., Register, July, 1996, No. 487, eff. 8-1-96.

**SPS 4.04 Fees for examinations, reexaminations and proctoring examinations.** (1) **EXAMINATION FEE SCHEDULE.** A list of all current examination fees may be obtained at no charge from the Office of Examinations, Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

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

(b) Examinations shall be obtained from a service provider through competitive procurement procedures described in ch. Adm 7.

(c) Fees for examination services provided by the department shall be established based on an estimate of the actual cost of the examination services. Computation of fees for examination services provided by the department shall include standard component amounts for contract administration services, test development services and written and practical test administration services.

(d) Examination fees shall be changed as needed to reflect changes in the actual costs to the department. Changes to fees shall be implemented according to par. (e).

(e) Examination fees shall be effective for examinations held 45 days or more after the date of publication of a notice in application forms. Applicants who have submitted fees in an amount less than that in the most current application form shall pay the correct amount prior to administration of the examination. Overpayments shall be refunded by the department. Initial credential fees shall become effective on the date specified by law.

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

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

(b) Department fees for proctoring examinations of persons who are applying for a credential in another state are equal to the cost of administering the examination to those persons, plus any additional cost charged to the department by the service provider.

**History:** Cr. Register, October, 1978, No. 274, eff. 11-1-78; r. and recr. Register, May, 1986, No. 365, eff. 6-1-86; am. Register, December, 1986, No. 372, eff. 1-1-87; am. Register, September, 1987, No. 381, eff. 10-1-87; am. (3), Register, September, 1988, No. 393, eff. 10-1-88; am. (3), Register, September, 1990, No. 417, eff. 10-1-90; r. and recr. (1) to (3), cr. (4), renum. Figure and am. Register, April, 1992, No. 436, eff. 5-1-92; am. (4) Figure, cr. (5), Register, July, 1993, No. 451, eff. 8-1-93; r. and recr. Register, November, 1993, No. 455, eff. 12-1-93; r. (2), am. (3) (a), (b), (c), (e), (4), (5), Register, July, 1996, No. 487, eff. 8-1-96; correction in (1) made under s. 13.92 (4) (b) 6., Stats., Register November 2011 No. 671.

**SPS 4.05 Fee for test review.** (1) The fee for supervised review of examination results by a failing applicant which is conducted by the department is \$28.

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

**History:** Cr. Register, April, 1992, No. 436, eff. 5-1-92; am. Register, July, 1996, No. 487, eff. 8-1-96.

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

(a) An applicant is found to be unqualified for an examination administered by the authority.

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

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

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

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

(3) An applicant who misses an examination as a result of being called to active military duty shall receive a full refund. The applicant requesting the refund shall supply a copy of the call up orders or a letter from the commanding officer attesting to the call up.

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

**History:** Cr. Register, October, 1978, No. 274, eff. 11-1-78; am. (2) (intro.), Register, May, 1986, No. 365, eff. 6-1-86; am. (1) and (2) (intro.), renum. (2) (c) and (3) to be (3) and (4), cr. (5), Register, September, 1987, No. 381, eff. 10-1-87; r. and recr. (1) and (4), Register, April, 1992, No. 436, eff. 5-1-92; r. (2), renum. (3) to (5) to be (2) to (4), Register, July, 1993, No. 451, eff. 8-1-93; renum. from RL 4.03 and am., Register, July, 1996, No. 487, eff. 8-1-96.

**SPS 4.07 Investigation.** The department shall investigate whether an applicant for any of the following credentials has been charged with or convicted of a crime:

- (1) Accountant, certified public.
- (2) Acupuncturist.
- (3) Advanced practice nurse prescriber.
- (4) Aesthetician.
- (5) Aesthetics instructor.
- (6) Appraiser, real estate, certified general.
- (7) Appraiser, real estate, certified residential.
- (8) Appraiser, real estate, licensed.
- (9) Architect.
- (10) Athlete agent.
- (11) Athletic trainer.
- (12) Auctioneer.
- (13) Audiologist.
- (14) Barber or cosmetologist.
- (15) Barbering or cosmetology instructor.
- (16) Barbering or cosmetology manager.
- (17) Boxer.
- (18) Cemetery preneed seller.
- (19) Cemetery salesperson.
- (20) Chiropractor.
- (21) Dental hygienist.
- (22) Dentist.
- (23) Designer of engineering systems.
- (24) Dietitian.
- (25) Drug distributor.
- (26) Drug manufacturer.
- (27) Electrologist.
- (28) Electrology instructor.
- (29) Engineer, professional.
- (30) Fund-raising counsel.
- (31) Funeral director.
- (32) Hearing instrument specialist.
- (33) Home inspector.
- (34) Landscape architect.
- (35) Land surveyor.
- (36) Manicuring instructor.
- (37) Manicurist.
- (38) Marriage and family therapist.
- (39) Massage therapist or bodyworker.
- (40) Music, art or dance therapist.
- (41) Nurse, licensed practical.
- (42) Nurse, registered.
- (43) Nurse-midwife.
- (44) Nursing home administrator.
- (45) Occupational therapist.
- (46) Occupational therapy assistant.
- (47) Optometrist.
- (48) Perfusionist.

- (49) Pharmacist.
- (50) Physical therapist.
- (51) Physical therapist assistant.
- (52) Physician.
- (53) Physician assistant.
- (54) Podiatrist.
- (55) Private detective.
- (56) Private practice school psychologist.
- (57) Private security person.
- (58) Professional counselor.
- (59) Professional fund-raiser.
- (60) Professional geologist.
- (61) Professional hydrologist.
- (62) Professional soil scientist.
- (63) Psychologist.
- (64) Real estate broker.
- (65) Real estate salesperson.
- (66) Registered interior designer.
- (66m) Registered sanitarian.
- (67) Respiratory care practitioner.
- (68) Social worker.
- (69) Social worker, advanced practice.
- (70) Social worker, independent.
- (71) Social worker, independent clinical.
- (72) Speech-language pathologist.
- (73) Time-share salesperson.
- (74) Veterinarian.
- (75) Veterinary technician.

**History:** CR 04-097: cr. Register May 2005 No. 593, eff. 6-1-05; CR 06-125: cr. (66m) Register July 2007 No. 619, eff. 8-1-07.

**SPS 4.08 Photographs and fingerprints.** (1) The department may require an applicant for any of the credentials set forth in s. SPS 4.07 and not listed in sub. (2) to be photographed and fingerprinted as a part of the credentialing process, if there exists reason to believe that the applicant has failed to accurately describe his or her conviction record. The department may refer photographs and fingerprints so obtained to the department of justice for internal analysis or submission to the federal bureau of investigation for the purpose of verifying the identity of the applicant fingerprinted and obtaining records of his or her criminal arrests and convictions.

(2) The department shall require an applicant for a physician license under s. 448.02 to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the applicant's fingerprints. The department of justice may submit the fingerprint cards to the federal bureau of investigation for the purpose of verifying the identity of the applicant fingerprinted and obtaining records of his or her criminal arrests and convictions. The department shall charge the applicant any fees, costs, or other expenses incurred in conducting any investigation under this rule.

**History:** CR 04-097: cr. Register May 2005 No. 593, eff. 6-1-05; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; CR 11-027: **renum 4.08 to be 4.08 (1) and am., cr. (2) Register January 2012 No. 673, eff. 2-1-12.**

**SPS 4.09 Credential holder charges or convictions.**

(1) Pursuant to the procedures set forth in ch. SPS 2 for the screening of informal complaints, the department may investigate whether a holder of any of the credentials set forth in s. SPS 4.07 has been arrested, charged with or convicted of a crime for the purposes of determining whether the circumstances of the arrest, charge or conviction substantially relate to the circumstances of the credentialed activity.

(2) A holder of any of the credentials set forth in s. SPS 4.07 who is convicted of a felony or misdemeanor in this state or elsewhere shall notify the department in writing of the date, place and nature of the conviction or finding within 48 hours after the entry of the judgment of conviction. Notice shall be made by mail and shall be proven by showing proof of the date of mailing the notice. Notice shall include a copy of the judgment of conviction and a copy of the complaint or other information which describes the nature of the crime and the judgment of conviction in order that the department may determine whether the circumstances of the crime of which the credential holder was convicted are substantially related to the practice of the credential holder.

(3) As a part of an investigation the department may require a holder of any of the credentials set forth in s. SPS 4.07 to be photographed and fingerprinted, if the credential holder's arrest or conviction record is relevant to the investigation and a search based solely upon the credential holder's name is unlikely to provide complete and accurate information. The department may refer photographs and fingerprints so obtained to the department of justice for internal analysis or submission of the fingerprint cards to the federal bureau of investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions.

**History:** CR 04-097: cr. Register May 2005 No. 593, eff. 6-1-05; correction in (1), (2), (3) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.