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# NATE GUSTAFSON

STATE REPRESENTATIVE • 55<sup>TH</sup> ASSEMBLY DISTRICT

Wednesday, April 12, 2023

## Testimony on Assembly Bill 143

Thank you Chairman Sortwell and committee members for the opportunity to testify on Assembly Bill 143.

Currently, pharmacists, occupational therapists, advanced practice nurse prescribers, and various counselors face harsh delays in licensure that impacts their ability to enter into the workforce. Part of the licensing process for these professions is a required statute and rules/jurisprudence examination. Last year, during a hearing for the Legislative Council Study Committee on Occupational Licenses, the Wisconsin Society of Respiratory Care testified that this exam is not necessary for their profession.

Since then, the Pharmacy Society of Wisconsin, Wisconsin Occupational Therapy Association, Wisconsin Nurses Association, and Wisconsin Primary Healthcare Association have all come forward and requested removal of the requirement for this statute and rules exam.

This bill would honor the requests from these groups and remove the requirement for this exam to be taken by applicants. Applicants will still need to affirm that they have read and understand the statutes and rules that apply to their practice.

Clearing up one of these redundant points along the licensure timeline will help speed up the wait times for these applicants. Allowing these aspiring professionals to obtain licensure with less delays is vital for bolstering Wisconsin's workforce.

Thank you for your consideration on Assembly Bill 143 and I hope you will all support this bill.



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April 12, 2023

**TO:** Assembly Committee on Regulatory Licensing Reform  
**FROM:** Mike Tierney, Legislative Liaison, Department of Safety and Professional Services  
**RE:** Assembly Bill 143 - Prohibiting statutes and rules examinations for certain professions

Good afternoon,

Thank you for the opportunity to provide written testimony for informational purposes on Assembly Bill 143.

The bill would prohibit the department from requiring an applicant to pass a statutes and rules examination as a condition of licensure or certification for a number of professional credentials.

These examinations force applicants, outside of their training and schooling, to open and review the statutes and rules related to the credential in which they are applying to hold. This requirement is especially important for out of state applicants that received education and training elsewhere and may not be as familiar with Wisconsin's rules and laws related to their credential.

Passing the exam is not a foregone conclusion. We do have applicants on a regular basis who fail and choose to do additional research and studying before re-taking the exam.

It should also be noted the department does not schedule these exams. They are taken online anytime the applicant chooses.

An applicant, upon application submittal, is provided with the information they need to take the exam online at a time of their convenience. They can take the exam that same day, or they can take it eight months later if they choose—it is up to the applicant. When a person completes the exam, they are quickly informed if they passed. However, the department is required to receive the results directly from the vendor – not the applicant. We receive batches of exam scores twice each week and then staff either note the exam requirement as having been met or notify the applicant of the need to complete a retake. As we continue to modernize technology at the department, there may be additional automatization we may be able to build into this process.

A person who is applying for licensure as a physician assistant can be asked if amphetamines may be prescribed for the treatment of a specific diagnosis, questions pertaining to their allowed scope of practice, questions pertaining to unprofessional conduct, and questions pertaining to patient confidentiality. As patients of physician assistants may be minors, questions may also be asked to ensure that a physician assistant is aware of their being a mandated reporter of parental abuse and neglect. Social workers can also be asked questions pertaining to Chapter 51 in order to ensure that they are able to properly assist an individual experiencing a mental health crisis.

As the Secretary has noted recently, we have made substantial progress toward resolving problems with licensure. In fact, officials in Texas have reached out to the Secretary and asked to provide guidance and advice as to how we have successfully improved nurse licensure in Wisconsin. Last year, we set a significant record for the number of credentials issued in a calendar year and we are working to beat that record again this year. The goal we are now working toward is not simply to issue credentials faster than everyone else, but to make Wisconsin the best at issuing credentials to qualified, competent applicants in the least amount of time. However, we do not want to cut corners in pursuit of that goal.

At the end of the day, practitioners are responsible for abiding by the laws that govern their profession. There could be a propensity to say they can learn these laws on the job or if they sign the attestation and then violate a law, it is their own credential that may be on the line. However, if a law is violated by a practitioner, there is a potential for patient harm to have occurred - these exams play a role in helping to prevent those violations and that harm from occurring in the first place.

April 12, 2023

State Representative Shae A. Sortwell, Chairperson  
Assembly Committee Regulatory Licensing Reform  
Room 214 North  
State Capitol  
Madison, 53708

RE: Wisconsin Nurses Association Support of AB 143, Prohibiting statutes and rules examinations for certain professions.

Dear Chairperson Sortwell and members of the Assembly Committee on Regulatory Licensing Reform,

The Wisconsin Nurses Association, the association with membership open to any Registered Nurse and Advanced Practice Nurse in Wisconsin thanks you for conducting a public hearing on AB 143. AB 143 and the companion bill SB 160 will remove the requirement for a jurisprudence examination as part of an Advanced Practice Nurse Prescriber (APNP) obtaining a certificate to prescribe.

Wisconsin Board of Nursing Administrative Code N8.03(5) was adopted in 1995 as part of the enactment of the 1993 State Statute Ch. 441.16, prescriptive authority for advanced practice nurse prescribers (APNP). WNA does not see the removal of N8.03(5) as creating a threat to patient care or safety. The jurisprudence exam is an open book test that focus on related Wisconsin state statutes that address APNP certification and practice. The laws and regulations that govern APNP practice is required, taught and tested in advanced practice nurse educational nursing programs.

The testing of APNP candidates' knowledge of the laws and regulations related to their practice is redundant as it found in their nursing education curricula and therefore not necessary. The removal of the examination will support addressing the activities and tasks that are part of the Wisconsin Department of Safety and Professional Services responsibilities.

It is for these reasons that WNA supports AB 143 and SB 160. We request that this bill be voted out of the Committee as soon as possible.

Sincerely,



Gina Dennik-Champion, MSN, RN, MSHA  
WNA Executive Director



Wisconsin Society for Respiratory Care

**Date:** April 12, 2023

**To:** Members of the WI State Legislature

**From:** Sarah Brundidge, Past-President, WSRC

Kristine Ostrander, Legislative Co-Chair, WSRC; Director of Respiratory Care

Franz Schuttenhelm, President, WSRC; Program Director and Instructor of Respiratory Care, Western Technical College

**RE: Support Assembly Bill 143 - Relating to Rules and Statutes Exams**

Thank you for your consideration in addressing/removing unnecessary and nongermane respiratory care licensure requirements. The Wisconsin Society for Respiratory Care (WSRC) is grateful for the historically collaborative relationship we have had with the DSPS and hope the State Legislature will work with the WSRC to address unnecessary and harmful delays affecting licensing and credentialing in Wisconsin's respiratory care workforce.

It has been well documented that there are issues and delays with professional license applications being processed in a timely manner in Wisconsin. We, as representatives of the WSRC and all those seeking to practice respiratory care in Wisconsin, believe LRB 2415/2423 would improve and streamline the licensure process and afford DSPS licensing staff the opportunity to focus on other licensing responsibilities.

In part, LRB 2415/2423 would amend Chapter 448 of the state statutes to eliminate/address the Rules and Statutes Exam requirement found in Med 20.04 (2) that requires Respiratory Care Practitioners (RCP) to complete and pass the Rules and Statutes Exam.

It is evident to RCPs and Wisconsin employers of RCPs, the rules and statutes exam required in Chapter 448 of state statutes is NOT a direct indicator of one's aptitude or proficiency in providing respiratory care in a healthcare setting. According to the DSPS, *"The purpose of the exam is to familiarize yourself with locating and interpreting the statutes and administrative code that regulate the practice of the profession in which you seek licensure."*

An exam administered by the DSPS covering "rules & statutes" does not determine an individual's "fitness" or ability to provide quality and highly technical healthcare. There are several healthcare professions that are NOT required to complete a Rules and Statutes Exam - nursing, clinical dieticians, and anesthesiology assistants to name a few. However, healthcare practitioners like RCPs, pharmacists, and occupational therapists are required to successfully pass a rules and statutes exam. The requirement to successfully complete a Rules and Statutes Exam is patchwork regulation that discriminates against specific healthcare professionals in Wisconsin.

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Wisconsin Society for Respiratory Care

The licensing and licensing process for RCPs in Wisconsin is overregulated and DSPS licensing regulation of RCPs (specifically Med 20.04 (2)) are an outlier when compared to other healthcare fields in Wisconsin **and the licensing requirements of RCPs in neighboring states**. See below.

### Comparing Neighboring States' Processes

Minnesota	Illinois	Iowa	Michigan	Wisconsin
<ol style="list-style-type: none"> <li>1. Verification of successful completion of an approved accredited education program.</li> <li>2. Verification of successful completion of the NBRC or CSRT exam</li> </ol>	<ol style="list-style-type: none"> <li>1. Verification of approved RT program</li> <li>2. Verification of successful completion NBRC exam</li> </ol>	<ol style="list-style-type: none"> <li>1. Verification of successful completion of NBRC exam</li> <li>2. Background check including fingerprint card</li> </ol>	<ol style="list-style-type: none"> <li>1. Verification of successful completion of an approved RT program</li> <li>2. Verification of successful completion NBRC exam</li> <li>3. Complete Human Trafficking training</li> </ol>	<ol style="list-style-type: none"> <li>1. Verification of successful completion of an approved RT program</li> <li>2. Verification of successful completion NBRC exam</li> <li>3. <b>Completion &amp; submission of Honesty Expectations Agreement</b></li> <li>4. <b>Completion &amp; passage of Rules and Statutes Examination</b></li> </ol>
Cost \$223.25	Cost \$100	Cost \$75 + \$55 for background check	Cost \$183.30	Cost \$60 + \$75 examination fee
CE 24 credits every 24 months	CE 24 credits every 24 months	CE 24 credits; 12 of which must be with live instructor	CE None managed by the state	CE None managed by the state

On behalf of the WSRC we respectfully request your commitment to our profession and the quality care currently being provided by our members by co-sponsoring LRB 2415/2423. If you have questions or would like further information, please contact George Klaetsch at [gklaetsch@kpasllc.com](mailto:gklaetsch@kpasllc.com)

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**DATE:** April 12, 2023

**TO:** Members, Assembly Committee on Regulatory Licensing Reform

**FROM:** Danielle Womack, Vice President of Public Affairs  
Pharmacy Society of Wisconsin

**SUBJECT:** Support for Assembly Bill 143

Thank you for the opportunity to provide testimony supporting Assembly Bill 143, which eliminates certain professions' statutes and rules examination requirements. On behalf of the Pharmacy Society of Wisconsin, I would like to share support for this legislation and the elimination of the law exam as a condition of pharmacist licensure in Wisconsin.

Under current law, to be licensed as a pharmacist in Wisconsin, pharmacy school graduates must pass an examination (called the Multistate Pharmacy Jurisprudence Examination, or MPJE) specific to laws regulating pharmacy practice. This exam focuses on state and federal laws and regulations relating to pharmacy practice. The exam was designed to measure competency at a point in time, but as pharmacy practice has changed, laws have changed and will continue to change during an individual's career; the exam no longer serves a valuable purpose and only serves to delay licensing of an in-demand healthcare workforce.

During the pandemic, out-of-state pharmacists did not need to pass the MPJE to get a temporary license in Wisconsin. We did not see law or regulation violations in this group.

We support eliminating this exam as a condition of licensure. All accredited pharmacy school graduates must learn and demonstrate competency in pharmacy law as part of their degree program; a state-mandated exam is redundant. Additionally, as state and federal laws change, pharmacists are not required to complete any ongoing legal education or examination. Given this dichotomy, a pharmacist who graduates is not required to complete education or assess their knowledge of pharmacy practice law except at the time of licensure.

We have heard some concerns about not requiring the MPJE and whether or not the workforce will be unprepared to follow the laws relating to pharmacy practice. However, it is critical to note that to graduate from an accredited pharmacy school, students must pass a law course that covers state and federal laws. This course includes assessments of the graduates' knowledge of relevant laws and regulations.

Under the current requirements, graduates take an exam once – at the time of licensure – and are then expected to keep up with law changes. They are never retested on their knowledge of law updates, yet we do not see an inordinate number of law violations. Pharmacists understand it is their professional responsibility – and their license depends upon – staying up-to-date on and following relevant laws and regulations. At least four other states do not require the MPJE, yet pharmacy practice continues to occur safely in these states.

Pharmacists know their license depends on them following the laws, regardless of whether they have passed an exam at the time of licensure.

Eliminating the MPJE will make it easier for pharmacists to practice across state lines, promotes more telepharmacy services, and expedites licensure. **We support eliminating the requirement to pass the MPJE, as it provides a barrier to licensure that is not outweighed by the benefits of the exam.**

If you have any questions, please do not hesitate to contact me at [dwomack@pswi.org](mailto:dwomack@pswi.org) or 608-827-9200.

April 12, 2023

RE: Support of Assembly Bill 143

Dear Assembly Representatives:

I want to request your support of *Assembly Bill 143, on prohibiting statutes and rules examinations for certain professions (including Pharmacists)*. I am proud to say that I have been a pharmacist for the past 34 years, with pharmacist licenses in (AZ, IL, and WI). So, I know all too well the bureaucracy associated with taking pharmacy jurisprudence/law exams (aka MPJE) and maintaining pharmacist licenses in good standing.

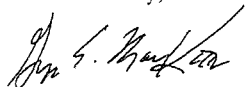
I write this letter requesting your support of this new legislation, that would prohibit the Department of Safety and Professional Services (DSPS) and respective boards (including Pharmacy Examining Board) from requiring an applicant to pass a statutes and rules examination as a condition of licensure or certification. Note, pharmacists take the North American Pharmacist Licensure (NAPLEX) for licensure. Rationale for the elimination of such law exams is as follows:

- There have been numerous delays in DSPS processing the applications related to pharmacist licensures thus delaying entrance into the workforce where there are ever-present shortages of healthcare providers.
- Applicants have had to travel outside Wisconsin to find testing centers, thus incurring delays and additional costs to their licensure, not to mention the forgone tax revenue from a higher wage earner with such delays.
- Several states are moving to a simple attestation that declares that practicing pharmacists will abide by the laws of the state. Placing the burden on each pharmacist to know and follow the laws of the state in which they are practicing, similar to medicine and other health professions approach state-related practice laws.
- Pharmacy law is a required part of all Doctor of Pharmacy (PharmD) curriculum. Schools are responsible for ensuring that students know the law (as well as other pertinent topics) before beginning clinical rotations.
- PharmD graduates have practiced in multiple pharmacy practice settings (hospitals, community-located primary care pharmacy, long-term care, etc.) under the supervision of registered pharmacists for at least approximately one year through rotations where they are engaged in the legal dispensing of medications and complying with additional regulatory requirements and contemporary pharmacy practice.
- During the COVID-19 pandemic, jurisprudence/law exams were waived, thus pharmacists and student pharmacists provided pharmacy services across state lines increasing access to care. Barriers to working across state lines interfere with the delivery of care in contemporary models, such as telehealth and telepharmacy.
- To my knowledge, there have not been any incidences related to an out-of-state pharmacist intentionally practicing in violation of a given state's laws during the pandemic.

With current healthcare workforce demands in all areas of Wisconsin, we need to reduce barriers to pharmacists and other healthcare providers from practicing. Furthermore, leveraging the role of the third largest number of healthcare providers (i.e., pharmacists) is essential to the health and welfare of all communities, allowing us to close the gap on patient access and bring greater affordability to healthcare costs from urban, to suburban to rural, from Kenosha to Salem to Prentice. Pharmacists are indeed a part of rebalancing the healthcare equation and our community-located primary care pharmacies are "front doors to healthcare," but we need not have more layers of bureaucracy to practice.

As Dean of the School of Pharmacy at the Medical College of Wisconsin (MCW) in Milwaukee, I have in part led a national effort to remove such jurisprudence examinations from pharmacist licensure with the American Association of Colleges of Pharmacy, where I am the incoming Council of Deans Chair-elect. Thank you again for your time.

Professionally,



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