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TO: Assembly Committee on Regulatory Licensing Reform
FROM: Senator Rob Stafsholt
DATE: May 10, 2023
SUBJECT: Testimony in Favor of Assembly Bills 200, 201, 202 & 206

Thank you, Chairman Sortwell and members of the Assembly Committee on Regulatory Licensing Reform, for allowing me to submit testimony in favor of Assembly Bills 200, 201, 202 and 206.

Over the last couple of years, I have heard from many frustrated constituents that are dealing with unnecessary delays, confusion and lack of communication while attempting to get an occupational license from the Department of Safety and Professional Services (DPS). These unnecessary delays cause individuals to postpone starting their careers or stops them from entering the workforce. Wisconsin businesses are struggling to find qualified workers so we need to ensure our licensure process is streamlined and functions efficiently. We cannot afford to fall behind other states in attracting skilled individuals to live and work in our state.

In response, leadership created the Legislative Council Study Committee on Occupational Licenses, and Representative Sortwell and I were appointed as Chair and Vice-Chair. The study committee was created with the goal of finding solutions so current and future license holders can be licensed in a timely manner. In other words, we were tasked with finding long-term solutions that will fix the problems plaguing DPS.

Through our conversations with licensed professionals, research and policy groups, and the Department of Safety and Professional Services, our study committee focused our bill recommendations on three primary issue areas: data tracking, workload simplification, and reciprocal credentialing.

Assembly Bill 200 and 201 fall under the area of data tracking. The committee felt it was important to have a better handle on the numbers. The committee recommended two bills for introduction: Assembly Bill 200, which requires DPS to include credential processing data in the report it submits to the Legislature every two years; and Assembly Bill 201, which requires DPS to update processing time information on its website every month, so that a person submitting a credential application can anticipate the time for processing. These both require some basic information, such as the number of applications submitted and the median amount of time it's taking to process the applications.

For the second issue area, the study committee looked at ways it could help DPS and applicants have a simpler process, while maintaining integrity in the review of applications. Assembly Bill 202 falls in this issue area. The bill seeks to reduce the workload needs in reviewing a person's criminal conviction record.

For the third issue area of reciprocal credentialing, the study committee recommend Assembly Bill 206, which requires DPS to post on its website whether other states' credentials for health care professions would qualify a person to obtain a reciprocal health care credential in Wisconsin.

Study committee members broadly supported all of these bills and recommended them for introduction. We felt like these bills would improve processes and oversight. Thank you for your support of these bills and feel free to reach out with any questions.



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Testimony in Favor of Assembly Bills 200, 201, 202 & 206

Assembly Committee on Regulatory Licensing Reform

May 10, 2023

Thank you Chairman Sortwell and members of the committee for accepting my testimony in favor of Assembly Bills 200, 201, 202 and 206 today. I would also like to thank all of the members of the Legislative Council Study Committee on Occupational Licenses for their time and dedication to the study committee process that brought forward these important solutions. My name is Kyle Koenen and I am the Policy Director at the Wisconsin Institute for Law & Liberty.

In March 2022, WILL released *Backlogged: Licensing Delays Keep People from Entering the Workforce*, a report that outlined some basic solutions that would bring more transparency and accountability to the well-documented license backlogs at the Department of Safety and Professional Services (DPS). Included were recommendations for the agency to set their processing goals and track them in a public facing performance dashboard. In preparing this report, WILL requested that the agency provide data showing the processing time for licenses in each licensing category. DPS responded that they were unable to provide this information because they did not track it at the time.

This was perplexing because in their 2021-23 Biennial Budget Request, DPS indicated that they were processing licenses in both 2019 and 2020 within 8 days on average, well within their goal range of 7 to 10 days. However, in their October 2022 report to the Legislative Council Study Committee on Occupational Licenses, DPS reported that the actual processing time during these two years were 74 and 86 days respectively. This discrepancy indicates that at the time, perhaps DPS did not take the role of measuring performance all that seriously.

For DPS to truly tackle the backlog issue in the long run, they must implement performance-based systems based on measurable goals and outcomes. These bills go a long way towards providing the data that will encourage a culture of performance and execution at DPS, while also removing some of the key bureaucratic hurdles that prevent people from entering the workforce in a timelier manner. They will also provide the legislature and public with the information needed to exercise their oversight role and continually hold the agency accountable.

Assembly Bill 200

Assembly Bill 200 would require DPS to include a number of important metrics in their biennial report to the Legislature. It requires the department to report the following:

- The lowest, highest and median number of days from an applicant's initial license application to the day that it is decided for each license category.

- The median number of contacts made by an applicant to the department before a credential is issued for each license category.
- The number of applications for initial, renewal, and reciprocal credentials that DSPS requests additional information.
- Finally, the number of applications for each license category which some form of legal review by the agency.

All of these metrics will help DSPS identify areas of need, so they can efficiently deploy staffing resources where deficiencies exist. This report will also give lawmakers the necessary information to pinpoint potential choke points in the process. Some of these choke points could be the result of unnecessary regulations that may play little role in protecting the public. This report could give lawmakers direction to further investigate these potential barriers, so they could take action to eliminate them.

Assembly Bill 201

Much like the previous bill, Assembly Bill 201 would provide the DSPS leadership team, the public and the legislature with timely information regarding license processing times. By requiring the agency to report both the incoming applications and final determinations, interested parties would have up-to-date information on whether the agency is making progress eliminating backlogs or whether the backlog is worsening. It will also give real-time information that will allow the agency to direct resources and staff to credential areas that have amassed a backlog of applications.

Assembly Bill 202

Assembly Bill 202 makes reasonable changes to DSPS's process for handling applications for individuals that have minor offenses on their record such as an underage drinking or a first-offense OWI that is more than 5 years old. These types of cases bog down the legal review process at DSPS, contributing to backlogs and preventing otherwise qualified people from entering the workforce in a timely manner. It is also my understanding that these offenses rarely result in a license denial, so this bill will allow the department to work more efficiently and focus on applications with more serious offenses.

The bill also allows employers to attest that their employee does not have a conviction record that would preclude them from receiving a license. Employers already conduct background checks on prospective employees, so this process would reduce duplication in the employment process.

We would like to flag one provision for the committee's consideration. Subsection 440.03(13)(bx) requires the department to promulgate rules to implement the bill. As written, the bill outlines the duties and powers of DSPS in a clear-cut manner, putting into question the necessity of this provision. We'd encourage the committee to consider removing this provision. The power to write laws is an incredible power that the people of Wisconsin elected the

legislature to engage in. If you are going to give that power away to unelected bureaucrats, you should do so in the most limited and specific means possible.

Assembly Bill 206

With stagnant population growth and low in-migration, Wisconsin is facing growing demographic challenges that will threaten our state's ability to thrive in the long run. Unfortunately, licensing requirements can vary from state to state. This forces otherwise qualified individuals to retake tests or in some cases return to school to meet their new state's requirements. To be competitive with other states, we must do everything we can to remove barriers to attracting additional talent and workforce to the state. Assembly Bill 206 takes a reasonable step towards accomplishing this goal by requiring DSPS to be transparent about whether another state's licensing requirements are "substantially equivalent" to Wisconsin's. If they are not, then DSPS must be forthcoming about what an applicant would need to do to become licensed.

This is an important step to give an applicant greater certainty but doesn't go far enough. First, we'd recommend that the bill be amended to extend this analysis beyond health care professions. Many other professions are also experiencing shortfalls and would benefit from this legislation. Second, it doesn't address the underlying problem of requiring experienced licensed professionals from other states to jump through hoops to become licensed in Wisconsin. We hope the committee will consider a universal license recognition law in the near future to address the larger issue at hand.

Thank you for your time and consideration today. I'd be happy to answer any questions.



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TO: Assembly Committee on Regulatory Licensing Reform

**FROM: Ann Zenk, SVP Workforce & Clinical Practice
Jon Hoelter, VP Federal & State Relations**

DATE: May 10, 2023

RE: WHA Testimony in Support of AB 202; Relating to: investigations of conviction records by the Department of Safety and Professional Services for purposes of determining eligibility for credentials and granting rule-making authority

Chairman Sortwell, and members of the Committee on Regulatory Licensing Reform, thank you for holding a hearing on AB 202, relating to: investigations of conviction records by the Department of Safety and Professional Services for purposes of determining eligibility for credentials and granting rule-making authority. The Wisconsin Hospital Association represents more than 135 hospitals and integrated health systems across the state, from small, rural, Critical Access Hospitals to large, urban academic medical centers, and everything in between.

While our members may differ greatly in the size of the community they serve, one consistent challenge they all face is how to meet the ever-increasing demand for health care services in an environment where every sector is experiencing a workforce shortage. A few weeks ago I had the privilege of providing a briefing for legislators and staff on our 2023 workforce report which highlighted the scale of the challenge our hospitals face:

While staffing at hospitals continues to rise, it is not keeping pace with demand as approximately 10,000 positions remain vacant in Wisconsin hospitals across the state. In fact, vacancy rates have increased for all 17 health care positions that we track – and nearly doubled overall from 5.3% in 2020 to 9.9% in 2021.

Even worse, demographics are working against health care, as the highest utilizers of health care are those aged 65 and older who are also retiring from the healthcare workforce. It will be seven years from now when the last baby boomers turn 65, meaning that we have yet to experience the full impact of the baby boom generation on the demand for health care and, thus, our health care workforce.

Fortunately, we have had great partners in the Wisconsin Legislature and the Evers Administration. The Department of Safety and Professional Services (DSPS) has made significant efforts to alleviate these challenges under the Evers Administration, partly by implementing a new, and long overdue, electronic licensure system. Despite this forward-thinking measure, licensure backlogs still remain – backlogs that could be greatly reduced by passing the important reform introduced as AB 202, a proposal that was initially introduced with the backing of DSPS in the last legislative session.

WHA was privileged to serve on the Legislative Council Study Committee on Occupational Licensure, along with Representative Sortwell, and the Study Committee also overwhelmingly supported AB 202. AB 202 aims to greatly reduce lengthy and unnecessary delays for legal reviews of remote and isolate occurrences that are needlessly creating months of anxious waiting time for applicants, many hours of compiling documentation for DSPS staff, and many more hours reviewing remote and isolated events by Wisconsin's professional licensing board – events that the applicant thought they had successfully put behind them.

Since August 2021, WHA has asked DSPS to help with hundreds of licensure delays. Almost twenty percent of those delays involved a legal review by DSPS, and the delays involved were by far the lengthiest. None of these applicants forwarded by WHA were denied a license when the legal review was finally complete.

We believe the current workforce challenge is an all-hands-on-deck moment for policy makers. In addition to passing this reform, and other bills that were recommended by the Legislative Council Study Committee on Occupational Licensure, we encourage the legislature to work closely with DSPS to analyze their budget request and allocate staff or other resources that will right-size the agency and enable it to better accomplish the important work it is entrusted with.

Thank you for the opportunity to speak in support of this important legislation. WHA and our members urge you to support Assembly Bill 202 so we can build on the positive reforms Governor Evers and the Legislature have already begun and help sustain and expand the workforce hospitals and health systems need to meet growing demand for care.

Assembly Committee on Regulatory Licensing Reform

2023 Assembly Bill 202

Investigations and conviction records by DSPS to determine eligibility for credentials

May 10th, 2023

Chair Sortwell and members of the Assembly Committee on Regulatory Licensing Reform. My name is Maggie Fuchs and I serve as SSM Health's Interim Director of Medical Staff Services and the Central Verification Office Manager. On behalf of our organization, I would like to thank the committee for the opportunity to testify in support of Assembly Bill 202, which would make some changes to the "legal review" process at the Department of Safety and Professional Services (DSPS) when determining eligibility for a professional license or credential. We appreciate this piece of legislation being brought forward, and the work of the 2022 Legislative Council Study Committee on Occupational Licenses.

SSM Health is a Catholic, not-for-profit health system serving the comprehensive health needs of communities across the Midwest through a robust and fully integrated health care delivery system. The organization's more than 40,000 employees and physicians, including approximately 14,500 in Wisconsin, are committed to providing exceptional health care services and revealing God's healing presence to everyone they serve. Our footprint in the state includes seven hospitals, ten post-acute care facilities, and more than 85 physician offices and other outpatient care sites.

As an employer of credentialed health care providers in the state, we engage with the professional licensing process often and have appreciated the work and communication from the Department of Safety and Professional Services in this space. In fact, it is our experience that in recent months DSPS leadership has invested in both proactive and reactive communications with stakeholders. An example of this is the "listening sessions" they have hosted with health systems in the state – including our own – and the incorporation of thoughtful feedback directly into their operations.

We have also been encouraged by the progress the Department has made in issuing licenses in a more timely manner. While we are grateful for DSPS's effort, we also think that some of the licensing reforms included in the study committee's package – such as changes to the investigations of legal records required by the Department – would benefit the applicants, employers, and industries impacted by delays our organization has encountered in the licensing process.

One of those proposals is now AB 202, which would make two reasonable changes to the legal review requirements: it would allow for DSPS to determine whether an instance is substantially related to the licensed activity without needing to thoroughly review a specific set of violations, and additionally would allow for the Department to accept an employer's own review and attestation of an applicant's legal record.

We believe these changes would provide the Department some needed flexibility when reviewing an applicant's legal record and, when applicable, would allow them to leverage the credentialing and background work already being done by individual healthcare sector employers across the state – including SSM Health. Moreover, it is important to note that the bill allows DSPS to use their discretion when reviewing any application that may need a legal review, and does not require the Department to come to any set determination.

(OVER)

SSM Health has seen firsthand the additional time it can take the Department to grant licenses that are subject to a legal review. Cases that we have dealt with have added weeks, and sometimes months, to the timeline to get a provider credentialed. One such example is of a provider who had to wait several weeks for the Department to review a more than a decades old juvenile record that had been expunged for numerous years. The expungement actually made things more complicated as the records were not readily available.

While we recognize that the legal review process is important, necessary, and required for the Department to do; AB 202 would provide flexibility for DSPS to more efficiently process old, minor violations that do not pertain to whether an individual should be licensed for a particular profession in the state.

It is also worth mentioning that the Department has requested more resources to help meet the workload from an increasing demand for licensure. We encourage the bill authors and DSPS to work together on understanding and coming to an agreement on any potential changes in processes, department flexibilities, or resources that may be needed to ensure the reform in this legislation can be accomplished in a sustainable manner.

In a time where there are workforce shortages, especially in rural areas of Wisconsin, we want to make it more efficient for high-quality, skilled workers to provide essential frontline care for the communities we serve. We hope this can build off other helpful changes that have been made without compromising important protections and look forward to working with the Legislature and the Department to make Wisconsin a best-in-class state for licensing.

Thank you again for the opportunity to provide comments in support of Assembly Bill 202. I am happy to take any questions at this time, and if you have any additional follow up after today's hearing, please feel free to reach out to SSM Health's Director of Government Affairs, Ben Van Pelt, at benjamin.vanpelt@ssmhealth.com.

Comments to State of WI Legislation Hearing March 10, 2023

My wife, Carol and I own, and we are involved full-time with our small business Signature Two Company based in Mequon WI.

We currently employ 37 cosmetology and barber license holders. Not contractors or renters. We provide quality employment which includes huge amounts of paid training in seven high-quality, full-service hair salons. Our stylists earn good wages, good benefits, and very good tips. They earn a good living doing quality work that is in high demand.

I sit on the advisory board for most of the cosmetology schools in SE Wisconsin, including MATC, WCTC and MPTC, Empire Beauty School and the Paul Mitchell School. I serve as chair of the WI Prison Industries Board.

Carol and I employ what is quite probably the most proudly, powerfully inclusive salon team in the world. An important part of our enthusiasm for inclusion is provide opportunities for individuals with prior justice involvement.

We welcome and encourage folks with prior problems to work for us. We employ several felons. By way of example, we employed a full-time cosmetology apprentice who was then incarcerated in the Milwaukee Women's Correctional Center. She has since earned her license, and currently manages one of our successful salons.

My participation in the MPTC advisory board helps support the outstanding cosmetology school within the Taycheedah Correctional Center. I've employed several graduates of that program. I've championed dozens of more through the crazy, difficult, expensive and lengthy licensing obstacles imposed by DSPS.

I'm currently helping a Taycheedah cosmetology grad. I'll call her Amy. Amy was released from prison nearly a month ago. She completed the program and she's passed both state board exams. It's in the best interest of everyone that she land a solid job and start supporting herself. She's been working on getting her license since October. We probably have at least another month ahead – likely more – before I can start her technical training, and get her behind a chair.

Many state leaders including Governor Evers, and secretaries for both DWD and DOC implore employers, like me, to provide opportunities to folks like Amy. Many employers, like me, ARE doing our part. And the single biggest obstacle in my industry is caused by the DSPS – through some combination of overreach, poorly designed processes, poor operations, lack of staff, and bad leadership.

I'm NOT anti-licensing. I think the rules for cosmetology and barber practitioners, and for cosmetology establishments need some work and clarification. But licensing serves and important purpose to protect the people of WI. I don't want to suggest anything that is anti-licensing.

But I AM anti unnecessary obstacles and bureaucracy that hurts potential licensees, hurts employers like me, and hurts the public. You have a lot of quality folks seeking licenses, and a lot off quality employers that can get them working. But you – the legislature – encourages, or allows, costly and unnecessary obstacles that do nothing to enhance safety for the public.

OK, so what are the obstacles?

DSPS is charged with blocking a license if a prior conviction IF the circumstances OF THAT CONVICTION are substantially related to the profession.

I gotta tell you, DSPS attacks that mission with a lot of zeal. Starting with, DSPS requires a full investigation of EVERY prior alcohol or drug incident, no matter how old or trivial. The language reads,

List all felonies, misdemeanors, and other violations of federal, state, or local law, including municipal ordinances resulting only in monetary fines or forfeitures, of which you have ever been convicted, in this state or any other.

1. The applicant must obtain and provide certified copies of each arrest record or citation, and court documentation including sentencing, proof of completion of sentences, completion of AODA or other drug or alcohol treatment programs. The hard part is obtaining CERTIFIED copies. Look at an example for Amy – she has several drug felonies on her record. Carefully reviewing her history makes sense. But the State of WI already knows about her history. That same history and her current trajectory were reviewed before the DOC put her through cosmetology school. Why send her across the state to obtain records that have been already reviewed? AND most of the records are available ONLINE – why are requiring trips to obtain paper copies? AND those various police departments and courthouse are charging \$1.50 per page. Amy has spent hundreds of dollars rounding up paper.
2. There is no sanity check for trivial offenses. Another example – and another person in my current employ, let's call her Natalie. Natalie had a single offense – a misdemeanor in the State of FL. She got caught with a small amount of pot in her car. She paid the fine and went on about her life. When she moved to WI, she could not get the small municipality in Florida to mail the records to her. They insistent someone had to come to the police department in person. It took over a year to finally get the police report so she could then send it to DSPS. And there was no way DSPS was ever going to deny her license over a minor holding charge. What was the value to anyone in this delay? I couldn't get her working, and she couldn't move on to a better paying job because of a triviality.
3. All of the makes even less sense for an apprenticeship. Recall I currently employ five cosmetology apprentices. This is a huge investment on my part – a LOT of paid training and support - a 2.5 to 3-year commitment to help someone to enter our field. I work with the DWD to ensure my salons comply fully with all apprentice sponsor requirements. Why does the State of WI apply the same over-the-top scrutiny to someone seeking a cosmetology apprentice license? By law, apprentices must be 100% without exception supervised at all times by another license holder. And I, as the sponsor, could incur a huge liability if I allow incompetence by an apprentice. At a minimum, we should skip all of this bureaucracy for apprentices and, if necessary, save it for when the complete the program and can earn a license to work on their own.
4. And finally, although it is not a part of this bill or why you are here today, I have to tell you that DSPS is, quite frankly, miserable to do business with. It's as if DSPS exists to make the IRS and WI DMV look good. Quite simply, potential license holders cannot get answers. Nobody at DSPS answers the phone. It takes days to get answers by email, if at all. There is no advocate for potential license holders to understand or navigate the system.

License application is, for DSPS, a two-step process. First you have to get your application past the clerks who are charged with assembling a perfect portfolio. EVERY prior transgression, no matter how old or trivial must be fully supported with documentation or they will not allow it to proceed. Then it goes in queue to the DSPS legal folks. THAT line is over a month long. There is no info available on the DSPS site as to the application status. Will I hear back in a week? A month? Never? DSPS tells applicants to wait TWO MONTHS before sending in an inquiry about an in-process application.

Here are the impacts of these obstacles.

Whenever I receive an application from someone without a license, I'm compelled to ask about prior drug or alcohol issues. NOT because these issues will affect MY hire decision, but because it affects licensing. I gotta tell you, I wince when someone mentions prior history. Because I know we're going to face down AT LEAST several months of effort to get a license. I always try my best to support that person. But most of the applicants simply cannot wait and they seek employment elsewhere, which harms them, and it harms me as an employer. And I'm CERTAIN there are a LOT of tother potential employers that won't put up with this nonsense.

I'm based in the Milwaukee area. There is LOT of unlicensed activity going on around me – likely more than 50% of all services in the area. The State of WI does not invest in inspection and enforcement. Which means the State of WI is simultaneously making it hard to do right, while ignoring those who are doing wrong. It's bad combination, and it hurts employer practitioner license holders who operate with higher costs, while allowing many others to skirt the law. That hurts the public too.

And finally, with utmost respect to every cosmetology and barber license holder and, and current potential application – we're talk about hair, skin and nail care. As the expression might suggest, this is no brain surgery.

So, in summary. I'm in support of this bill. But, on behalf of potential license holders, employers, and the people of WI, I hope you enhance it significantly.

1. Get rid of the arduous documentation requirements. Get DSPS out of the dark ages. There are better, smarter and faster ways to get at the necessary information.
2. Allow the DSPS to do some kind of sanity check on priors. Let's skip the rigor on old and trivial offenses.
3. Please create an easier path for apprentice applicants. You already have other mechanisms in place to protect the public.

AND, #4 – which is likely not in the scope of what you are consideration for this bill – but I'm here to plead for this anyway – can we please fund or compel, or both, DSPS to answer the phone, respond to questions, actually HELP potential license holders through this process. Let's get license decisions within days instead of months.

All of this would improve this important licensing which serves the people of WI. It would help employers like me simply trying to comply with the rules. It would help employers like me trying to offer outstanding opportunities to otherwise qualified folks.

And it would help folks like Amy and Natalie seeking good jobs that hey have already put substantial work into achieving. Good jobs that they've earned. Good jobs that can help them to stay on a good path.

Please let's keep our professional standards high, but please can we get the needless obstacles out of the way.

I appreciate the opportunity to share my comments with you today. I would be please to answer any questions.

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DATE: May 10, 2023
TO: Assembly Committee on Regulatory Licensing Reform
FROM: Mike Tierney, Legislative Liaison, Department of Safety and Professional Services
RE: Assembly Bill 202 - Investigations of conviction records by the Department of Safety and Professional Services for purposes of determining eligibility for credentials

Good afternoon,

Thank you for the opportunity to submit this testimony on Assembly Bill 202.

When a person fills out an application for a credential, they are asked questions which include questions about convictions and pending charges. They attest to the truthfulness of the response when they submit the application. If an individual states they have a conviction or pending charges, they are then told to complete a form with space to list the offense(s) and provide a personal statement in which they explain the circumstances leading up to the offense. Essentially, they are provided the opportunity to tell their side of the story. We also request copies of police reports and court documents.

In 2019, the Department of Safety and Professional Services sought legislative support for changes in law that would have enabled the exercise of discretion and common sense when Department staff were reviewing applications from individuals who had broken the law in the past.

To date, the legislature has not passed these recommendations.

While Assembly Bill 202 contains provisions that would allow the exercise of common sense, there is a provision that would prove to be a concern. That is the alternative method to complete the investigation of an arrest, conviction, or other offense.

Under current law, an employer can conduct a simple background check. It is not a legal review. Businesses offering employment to persons who do not require licensure can use, or misuse, a background check. The legal review process undertaken by the Department allows an employer of licensed professionals to not be the party that says no to a prospective employee with a legal history. They can simply make the offer of employment contingent upon licensure occurring within a set timeframe even if they know the timeframe is unrealistic or that approval will not be forthcoming. They know our legal review is legally sound and in compliance with statute. Therefore, they have no exposure to legal action under Wisconsin's Fair Employment Act.

Under this alternate method, if used, a legal issue would be created. Employers would use the alternate method and tell a prospective employee there is no issue in order to limit exposure to liability under the Fair Employment Act. This would result in a person who should not be credentialed being credentialed or, very likely create a situation wherein the Department or a board must override the employer approval. At this juncture, through a statutorily recognized process, the applicant will believe they have a right to be credentialed. This could result in litigation if the applicant is denied or informed that a limited credential could be issued.

Additionally, this provision creates a significant conflict of interest. This is not hypothetical. The nature of these conflicts can be clearly witnessed in actual contacts the department has received. Here are actual examples which illustrate the point.

RN Case

An individual applied for an RN credential. The individual had the requisite training and had passed exams. Her prospective employer had completed a background check and the single OWI on her record was not a concern to the employer. They thought she could just be fully credentialed. When our staff obtained police reports, AODA assessment documents, and the personal statement of the RN applicant, the picture that information provided was far different. Although this person had only been caught once, the AODA assessment and her reported daily intake of alcohol was a significant red flag. She had reported being sober only twice in the last six months. The reported level of alcohol consumption raised doubts as to whether this person would ever be completely sober at work if licensed. Under current law, persons with these issues are going to be denied or issued a credential that is extremely limited in nature with monitoring requirements in place.

Physician – Urologist Case

Last year, a health care provider contacted the Department seeking the full renewal of a license for a physician. The license was active, but not fully renewed because the physician had been convicted for having operated a firearm while intoxicated, disorderly conduct, and resisting/obstructing an officer. At the time, a charge was pending for operating under the influence with a child under 16 in the vehicle. The provider wanted the full renewal in place so that the physician could bill.

Additionally, this provider has two felony counts pending for first degree recklessly endangering safety.

Despite this, it was made clear to me that a complete renewal was expected so that the physician could renew a DEA license, prescribe, and bill.

The Medical Examining Board ultimately would not fully renew his credential and would only consider issuing a limited credential out of serious concern for public safety. In fact, public safety is always our primary concern and not whether a person can bill or have their DEA renewal completed.

Under the bill, reviews of provider attestations would need to be routinely completed if the legislation were to pass. Absent staffing increases and the cooperation of applicants in providing documentation, a 30-day window allowed under the bill would be insufficient.

If health care providers wish to assist current and prospective staff who have legal histories, they can implement simple employer-based policies:

1. When they extend an offer of employment, they should work with their prospective hires to make the application complete. While Department legal reviews are now down to four weeks from the historic 12 to 16-week timeframe due to the governor funding project position legal staff using ARPA funds, the reality is that obtaining the information from an applicant necessary to conduct an appropriate legal review is often difficult and time consuming. Employers setting forth an expectation that a person offered a position will provide the forms, personal statement, court and police documents, and applicable AODA assessment within a set-timeframe would enable legal reviews to commence

earlier in the process and reduce the need to repeatedly reach out to applicants for pieces of information.

2. Employers should require credentialed employees to report infractions of the law within 48 hours as the law requires. Too often persons who violate a law wait until they are renewing to report the offense. These individuals then face loss of hours or termination per employer policies when their credential is not fully renewed by the due date. While we work with these credential holders, a legal review cannot be completed in a day or a week. Employers who do not make this policy clear, should accept that a full renewal will not occur until the legal review process has been completed.
3. When recruiting students at job fairs, etc., employers could help spread the word and encourage students who have any legal issues to apply for pre-determination. We can review the issue, qualify the person for licensure, and then forego a legal review when they are ready to be licensed.

In the budget, we have requested position authority to hire legal staff and we have also sought authority to hire license navigators. Navigators would be ideally suited to work with persons who have legal issues and with educational institutions who may have students with legal issues. However, under Motion 10 the Joint Committee on Finance removed these positions from the budget. There is no need to risk public safety through an ill-advised shortcut when we can instead properly staff the Department.