



# ROB STAFSHOLT

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TO: Senate Committee on Licensing, Constitution and Federalism  
FROM: Senator Rob Stafsholt  
DATE: May 25, 2023  
SUBJECT: Testimony in Favor of Senate Bills 189, 190, 192, 193 & 194

Thank you, Chairman Jacque and members of the Senate Committee on Licensing, Constitution and Federalism, for allowing me to testify in favor of Senate Bills 189, 190, 192, 193 and 194.

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 (DSPS). These unnecessary delays cause individuals to have 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 I was honored to be appointed as 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 DSPS. The committee was made up of two Republican and two Democratic legislators as well as five members of the public.

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.

Senate Bill 189 and 190 fall under the area of data tracking. The committee felt it was important to have a better handle on the numbers. The committee recommended both bills for introduction: Senate Bill 189, which requires DSPS to include credential processing data in the report it submits to the Legislature every two years; and Senate Bill 190, which requires DSPS 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, the study committee looked at ways it could help DSPS and applicants have a simpler process, while maintaining integrity in the review of applications. Bills that fall in this issue area include:

- Senate Bill 192, which clarifies that it is the applicant's responsibility to submit all renewal materials before the renewal date and also clarifies that if a complete renewal application is submitted by that date a person's license remains active and in effect.
- Senate Bill 193, which changes the renewal periods from two years to four years.

For the third issue area of reciprocal credentialing, the study committee recommend Senate Bill 194, which expands 2021 Wisconsin Act 10 to allow people in all business and health professions who are licensed in good standing in another state to work in Wisconsin under a preliminary credential while approval of the permanent credential is pending.

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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# SHAE SORTWELL

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STATE REPRESENTATIVE • 2<sup>nd</sup> ASSEMBLY DISTRICT

**Hearing Testimony**  
**Senate Committee on Licensing, Constitution, and Federalism**  
**May 25, 2023**  
**Senate Bills 189, 190, 192, 193, and 194**

Chairman Jacque and members of the Senate Committee on Licensing, Constitution, and Federalism – Thank you for giving me the opportunity to testify on five bills that stemmed from the Study Committee on Occupational Licenses.

The study committee focused its bill recommendations on three issue areas to address the professional licensure backlog at the Department of Safety and Professional Services: data tracking, workload simplification, and reciprocal credentialing.

Senate Bills 189 and 190 fall under the category of data tracking. SB 189 would require DSPS to supply licensing data in a biennial report that my office has been requesting and still has not received for more than two years. Transparency on processing times is integral to solving any issues that are plaguing the department. SB 190 would require the department to publish the same data on their website, which would be helpful for the public, notably prospective licensees.

Senate Bills 192 and 193 fall under the category of workload simplification. SB 192 would allow licensed professionals to continue working within the scope of their license once they submit their renewal application rather than wait for the department to approve it. This will create less need and urgency to process these applications in order to focus time on other areas. SB 193 would extend renewal times from two to four years instead, which would decrease the workload of the department every year.

Senate Bill 194 applies to reciprocal credentialing. This legislation would expand 2021 Wisconsin Act 10 from most healthcare providers to also include business professions and other healthcare professionals, meaning the department would be required to grant a preliminary credential to these licensed professionals in another state that applied for a permanent credential in Wisconsin.

All of these bills received bipartisan support in the study committee and Joint Legislative Council. It is my hope that they receive the same treatment in this committee and in the full Senate.

I appreciate the opportunity to testify on this legislation and would gladly answer any questions the committee may have.



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May 25, 2023

**TO:** Senate Committee on Licensing, Constitution and Federalism  
**FROM:** Mike Tierney, Legislative Liaison, Department of Safety and Professional Services  
**RE:** Senate Bill 194 – Practice of certain professions by credential holders from other states

Good afternoon,

Thank you for the opportunity to submit this testimony on Senate Bill 194.

The Department of Safety and Professional Services appreciates the work that members of the Study Committee put into this legislation.

Health care credential applications do tend to have more complexity and components than a business profession credential. Given the need to receive documentation from the applicant, schools, other state licensure boards, supervisors, and other organizations, and compare statute and codes regarding licensure requirements, the timeframe for licensure by endorsement for a health care professional can be longer.

As such, the ability for a person in a health care occupation to attain a 2021 Act 10 credential and work under that credential while their application for a permanent credential is processed is beneficial for all involved.

However, the timeline for issuance of a business profession credential was already very short under the legacy system called ICE. On May 8<sup>th</sup> we moved these business professions into the highly successful online platform called LicenseE. Given the removal of data entry requirements and process improvements in LicenseE, the timeline for issuance of business professional credentials will be significantly shorter and, very likely, equivalent to the Act 10 processing timeline.

If this legislation were to become law, a person applying for a permanent business credential and an Act 10 concurrently would see little to no benefit. Essentially, staff would be working on temporary applications that will never be issued due to the timeframe for the processing of the permanent application being so short.

Arguably, it is better for the people we serve for an individual staff person to process applications for 50 people in one day rather than processing two applications for 25 people and having half of that time essentially wasted.

Additionally, the bill creates a new definition of remote credential that would allow a person to perform acts in Wisconsin if their credential in another state allows them to perform substantially similar acts. The bill defines a health care provider as someone who holds a valid, unexpired remote credential, but removes current law requirements that an individual hold a credential issued by another state or



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**TO: Senate Committee on Licensing, Constitution and Federalism**

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

**DATE: May 25, 2023**

**RE: WHA Testimony in Support of SB 158, SB 193, and SB 194: Legislation to Improve Licensure Process for Health Care Professionals**

Chair Jacque, and members of the Committee on Licensing, Constitution and Federalism, thank you for holding a hearing on SB 158, relating to: preliminary health care credentials granted to previously unlicensed individuals; SB 193, relating to: renewal dates and continuing education requirements for certain credentials issued by the Department of Safety and Professional Services and credentialing boards; and SB 194, relating to: practice of certain professions by credential holders from other states. 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. As the baby boom generation ages, the number of available workers in Wisconsin and across the nation is shrinking for all industries, but for health care, an aging population also means an increase in health care demand.

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 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, and the ‘Silver Tsunami’ of retirements will begin to recede, but the impact of increased demand on the healthcare workforce will persist for another decade or more; 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. When faced with long backlogs in licensure for out-of-state health care workers, largely stemming from challenges surrounding the COVID-19 pandemic, the legislature passed and Governor Evers signed 2021 Act 10. This legislation allowed health care professionals licensed and in good standing from another state to begin practicing immediately while they waited for DSPS to process their license.

I’m proud to report that this legislation has been a tremendous success, helping us to recruit and staff up to better meet health care demand. Whereas we previously had hospitals report that they missed out on hiring a qualified health care professional because another state beat Wisconsin to the punch in issuing them a license, Wisconsin is now seen as a model for other states to emulate.

In fact, this legislation has worked so well that our hospitals began wondering if we could duplicate this innovative process for new graduates. As many of you know, there tends to be bi-annual licensure backlogs when new classes graduate both at the beginning of summer and end of the year. The Department of Safety and Professional Services (DSPS) has made 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, especially when a high volume of applications arrive during graduation season. These backlogs could be greatly reduced by modeling a fast-track process for new graduates on the process already implemented for Wisconsin 2021 Act 10.

SB 158 would do just that, by allowing new graduates of health care training programs that have passed their required national exam and cleared a criminal background check to begin practicing immediately if they have attested to completing everything required for licensure and also have an employer offer them a job. The employer would also have to provide an attestation that the prospective employee has met all requirements for licensure, to the best of their knowledge. New graduate licensure requirements --- graduation, passing a national licensure exam and a caregiver background check --- are components that health care employers already have processes in place to verify.

We are optimistic that this reform will greatly reduce the number of people contacting their legislators to gain DSPS's assistance with fast-tracking their applications -- a process which currently requires DSPS's licensure staff to interrupt their normal workflow to divert attention to such applications. Additionally, it will reduce the time crunch DSPS staff find themselves in when a bolus of new graduates apply for licensure and need to obtain it quickly to meet hiring deadlines.

It is important to note that safeguards would remain in this process. DSPS would still be in charge of verifying that all the information applicants and third parties have submitted is accurate, and they would remain responsible for issuing them a permanent license once they deem an application to be complete. Health care employers would be responsible for attesting to the fact that they believe a new graduate is fit to practice. Fortunately, hospitals and health systems already undergo a rigorous credentialing process for new applicants prior to offering them a job, and partner the new employee with an experienced peer when they start working.

Like SB 158, SB 193 and SB 194 were ideas that originated in the Legislative Council Study Committee on Occupational Licensure. WHA was privileged to serve on this committee along with legislators and members of the public, and equally pleased to see the committee unanimously recommend SB 193 and SB 194 for introduction. SB 193 will safely extend renewal timeframes from 2 to 4 years to ease the renewal burden on providers while also giving DSPS the flexibility to determine when renewals will occur and better load-level the work of the department. DSPS will be able to look at the number of renewals and the complexity of the profession's renewal process, and divide the work to break down current bottlenecks.

SB 194 builds on the previously mentioned 2021 Act 10, which allowed health care practitioners licensed and in good standing from another state to begin practicing immediately while DSPS processes their full licensure application. WHA supports the provisions in SB 194 that correct the unintended exclusion of radiographers and other health care professions from being eligible for this streamlined process.

Thank you for the opportunity to speak in support of these important proposals. We urge you to support them so we can build on the positive, bipartisan reforms Governor Evers and the Legislature have already begun and help grow and sustain the workforce hospitals and health systems need to meet growing demand for care.



**To:** Senate Committee on Licensing, Constitution and Federalism

**From:** Cori Lamont, Senior Director of Legal and Public Affairs  
Tom Larson, Executive Vice President

**Date:** May 25, 2023

**RE:** SB 194/AB 205: practice by certain license holders from other states

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The Wisconsin REALTORS® Association (WRA) opposes SB 194/ AB 205 because it jeopardizes the independent contractor relationship between a real estate firm and agents associated with the firm.

## **BACKGROUND**

The real estate industry is unique in many ways compared to other professions regulated by the Department of Safety and Professional Services (DSPS), including:

### **1. Real estate practitioners are independent contractors.**

Typically, real estate agents are independent contractors. However, the profession legally requires certain supervisory obligations by a real estate firm. This paradoxical arrangement, has created a national trend in the last decade of courts re-classifying agents from independent contractors to employees of the real estate firm. This type of re-classification has a significant impact for both the real estate firm and agent especially as it relates to taxes.

For these reasons, the Wisconsin legislature created a safe harbor of the independent contractor relationship in 2015 Wis. Act 258. The safe harbor of Wis. Stat. § 452.38, is consistent with federal IRS regulations if certain statutory standards are met and provides clarity as to the role of the real estate firm in its relationship with the agent. The relationship is further supported by the establishment of broker supervisions requirements of Wis. Stat. § 452.132. Additionally, Act 258, replaced terms like “broker-employer” and “employee” when referring to the real estate firm and its agents with “real estate firm” and “licensee associated with the firm” to further emphasize and protect the independent contractor status.

SB 194/AB 205 could have a substantial impact on the real estate profession by having a real estate firm make attestations in the capacity of employer in a manner inconsistent to Wis. Stat. § 452.38 relating to independent contractor status.

### **2. Wisconsin is currently experiencing close to historic highs for real estate licenses and is not experiencing significant delays in application processing.**

Economic concerns relating to licensure delays resulting in fewer people becoming licensed are not applicable to Wisconsin real estate license applicants. Further, the typical licensing process for a complete and noncontroversial real estate license applicant is between 7-10 business days, but often shorter.

## **RECOMMENDATION**

To ensure that the independent contractor relationships maintain the much-needed statutory protections for the real estate industry, we recommend exempting those licensed under Wisconsin Statute Chapter 452 from SB 194/AB 205.



May 19, 2023

Chairman Jacque and Members of the Senate Committee on Licensing, Constitution and Federalism,

On behalf of the Wisconsin Institute of CPAs (WICPA), we appreciate the opportunity to comment on Senate Bill 194 which expands existing temporary credentialing provisions from health care providers to persons in business professions. If passed as drafted, the bill could create confusion as it does not contemplate existing credentialing systems which already allow professionals to practice in Wisconsin on a temporary basis.

The WICPA is the premier association for accounting professionals, educators and students in Wisconsin. With more than 7,000 members in public accounting, business and industry, government, nonprofit and education, the WICPA serves the diverse needs of its members; enhances professional competency; promotes the value of members and the profession; advocates on behalf of the profession; and builds community among members.

The WICPA commends the effort to extend the temporary credentialing process to business professionals; however, we ask you to consider those professions that have existing systems in place. Currently, a CPA moving to Wisconsin from another state can apply for a reciprocal credential from the Department of Safety and Professional Services (DPS). During the time in which DPS processes the application, the CPA can still practice in Wisconsin through a process known as mobility so long as they have credential in good standing from another state. By operating under mobility, the CPA is also subject to the oversight of the Wisconsin Accounting Examining Board. Should the term business profession be applied to CPAs, it would create an unnecessary administrative and regulatory burden. It would also further complicate a credentialing system that is working and has been working for decades.

We encourage the Committee on Licensing, Constitution and Federalism to exempt those credentialing systems that already allow professionals to practice without the need to obtain a temporary credential.

If the WICPA can assist further, please contact me at [tammy@wicpa.org](mailto:tammy@wicpa.org).

Sincerely,

Tammy J. Hofstede  
President & CEO  
Wisconsin Institute of CPAs



# Wisconsin Society of Radiologic Technologists

May 19, 2023

Dear Chairperson Senator Jacque, Vice Chair Senator Bradley, and all members of the Senate Committee on Licensing, Constitution and Federalism.

Please accept this testimony for the hearing on Senate Bills 158, 193 and 194 from the Wisconsin Society of Radiologic Technologists. Thank you for this opportunity to offer input on this important legislation.

The Wisconsin Society of Radiologic Technologists (WSRT) is the professional organization of radiologic technologists in the state of Wisconsin, and an affiliate of the American Society of Radiologic Technologists. Radiologic Technologists are the gatekeepers of Standard of Care diagnostic imaging by providing optimum medical image quality for patients, at the lowest possible radiation exposure. The Wisconsin legislature recognized that there is a clear public health and safety benefit to licensing radiologic technologists by passing 2009 Wisconsin Act 106, enacted on February 4, 2010. Radiologic licensure ensures the trusting patient population of Wisconsin that the administration of diagnostic x-ray radiation is performed by qualified personnel in all health care settings.

The WSRT is in strong support of the provisions of SB 158. The WSRT has heard concerns over the past few years about delays in the issuance of licenses for new graduates of Wisconsin's radiography education programs. Wisconsin's system of hospital based and technical school radiography education programs graduate between 350-400 radiographers each year. Each of these graduates must pass a national test administered by the American Registry of Radiologic Technologists. The provisions of SB 158 provide a solution that allows the Department of Safety and Professional Services (DSPS) to issue these new graduates a provisional license while the DSPS processes the application for permanent licensure.

The WSRT also supports the provisions of SB 194 that address the provisional licensure of radiographers licensed in other states. Demands in the health care market over the past few years have led to health care providers hiring temporary radiographers to fill vacancies in radiology departments. Often radiographers from other licensed states fill these vacancies, and delays in licensing affect the current understaffed radiology departments, as well as the timeliness of patient care. Allowing licensed radiographers from other states to work with a provisional license, like with the new graduates addressed in SB 158, would provide a working solution for delays that might have otherwise caused the temporary radiographers to pass on an assignment in Wisconsin for one in another state.

The WSRT appreciates that both SB 158 and SB 194 uphold the principles of the Chapter 462, created by the licensure law, and ensures that properly vetted personnel are employed in the field. Health care employers in Wisconsin would be very pleased to see the provisions of both bills enacted to enable qualified personnel to provide care while waiting for permanent licensure.



WSRT also adds support for SB 193, changing the renewal period for licenses from the current two years to four years. Extending the renewal period from two years to four years while doubling the continuing education requirement will reduce the financial impact on license holders. This change is welcomed by many I have spoken with since becoming aware of the bill. The WSRT feels the impact of changing the frequency of renewal will have a positive impact on radiographers and their families, while not fundamentally changing our licensure requirement or negatively affecting patient care.

We thank this committee and the legislators who introduced and cosponsored this good-sense legislation for the promotion of quality and safe patient care in Wisconsin by credentialed and licensed individuals.

Respectfully submitted,

Daniel Vander Meulen B.A, R.T., (R)  
WSRT Legislative Committee Chairperson  
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