



# CHRIS KAPENGA

WISCONSIN STATE SENATOR

## Testimony on Assembly Bills 902, 903, 904 & 905

*Assembly Committee on Regulatory Licensing Reform*

*February 8, 2018*

Thank you Chairman Horlacher for holding a public hearing today on Assembly Bills 902, 903, 904 & 905. I also want to thank Representative Ballweg for co-authoring this legislation on behalf of the Department of Safety and Professional Services.

This legislation was drafted in consultation with the Department of Safety and Professional Services, who conducted extensive outreach to interested stakeholders to find consensus on these bills. I will keep my comments brief, as the department will be providing details on specific points in the legislation.

### **Assembly Bill 902**

Assembly Bill 902 makes a number of sensible changes to the DSPS's enforcement authority that are designed to continuing upholding public safety, while allowing the department flexibility to correct disciplinary issues without taking away someone's livelihood. The bill also removes third party logistics providers from the definition of prescription drug wholesalers, putting Wisconsin in line with recent federal law changes.

### **Assembly Bill 903**

Assembly Bill 903 makes a number of changes to the membership requirements of various credentialing boards, making it easier to fill certain openings and for boards to conduct business. The bill also eliminates a number of outdated or unnecessary statutory requirements that will allow the agency to operate in a more efficient and effective manner. For example, the bill eliminates a provision that requires that certain Cemetery Board statements be notarized or that DSPS publish an annual list of liquefied petroleum retails.

### **Assembly Bill 904**

Assembly Bill 904 makes a number of changes to the department's regulation of buildings. First, AB 904 cleans up language from the 2013 establishment of the uniform commercial building code by applying the procedures to counties in the same manner as other units of government. The bill also updates building code standards for carbon monoxide detection in commercial residential buildings to closely mirror international

recommendations that will improve safety and reduce cost for building owners. Lastly, the bill eliminates a statutory conflict that exists for the applicants to the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board. This change will allow applicants to take the exam before the completion of their education requirements, thus allowing them to get into the workforce sooner after graduation.

**Assembly Bill 905**

Assembly Bill 905 primarily makes a number of remedial statutory changes identified by the department. The bill also provides greater uniformity to department operations and procedures across professions. Specifically, the bill outlines uniform procedures for conducting hearings, handling complaints, and disciplinary proceedings. This streamlining will ensure the agency is efficient and also ensure that DSPS customers can expect consistency across professions.

Thank you again Mr. Chairman and committee members for holding a hearing today on AB 902, AB 903, AB 904, and AB 905.



# JOAN BALLWEG

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WISCONSIN STATE REPRESENTATIVE

41<sup>ST</sup> ASSEMBLY DISTRICT

Assembly Bills 902, 903, 904, 905  
Testimony of Representative Joan Ballweg  
Assembly Committee on Regulatory Licensing  
February 8, 2018

Thank you, Chair Horlacher and members of the committee for holding public hearings today on Assembly Bills 902, 903, 904, and 905. These bills were introduced at the request of the Department of Safety and Professional Services (DPS) and I have Nate Yahn from DPS with me to speak in more detail on the legislation.

In my role as co-chair of the Joint Committee for Review of Administrative Rules, I've been able to work closely with DPS and other agencies on administrative code and their relation to state statute. After 2011 Wisconsin Act 21 went into effect, our state agencies began to closely review both their rules and statute to ensure what was on the books was both up-to-date and enforceable through statute. The Assembly's Red Tape Review initiative has contributed to this effort. We want to make sure that any rules we have on book reflect law, are updated, and do not hurt the productivity of Wisconsin's citizens. The four bills before you today are the result of a collaborative review by the department and stakeholders to ensure these goals are met.

Thank you again for hearing this legislation.



**DATE:** February 8, 2018

**TO:** Members, Assembly Committee on Regulatory Licensing Reform  
The Honorable Cody Horlacher, Chair

**FROM:** Nate Yahn, Legislative Advisor  
Wisconsin Department of Safety and Professional Services

**SUBJECT:** Assembly Bill 903 (changes to statutes administered by DSPS and attached boards)

Chairman Horlacher and Committee Members:

The Wisconsin Department of Safety and Professional Services (DSPS) would like to provide some important background information and commentary to committee members as you consider 2017 Wisconsin Assembly Bill 903 (AB 903). AB 903 includes various regulatory reform measures pertaining to the regulation of professions and buildings and safety that are administered by DSPS. The Department supports AB 903.

DSPS is focused on its mission of promoting economic growth and stability, while protecting the safety of Wisconsin's public. This sensible reform legislation will help make government operate more effectively and efficiently, and result in increased accountability to Wisconsin taxpayers.

Specifically, AB 903 does the following:

- Modifies certain membership requirements for the following three attached credentialing boards:
  - a) Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board;
  - b) Board of Nursing; and c) Real Estate Appraisers Board.
  - Provides greater flexibility for making board appointments, by removing certain designations of member types that represent such a small percentage of the total number of individuals credentialed in that profession.
  - Allows the consideration of a larger, more diverse pool of qualified candidates for appointment to these boards.
- Repeals a quorum requirement for the Real Estate Appraisers Board that certain types of members be present.
  - Removes an artificial barrier to conducting business, while retaining other existing quorum requirements to ensure transparency and public accountability.
- Repeals a specific requirement for an individual to qualify as a public member to serve on the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board.
  - The existing requirement is unnecessary and represents a barrier for members of the public interested in serving on the board.

- Eliminates the requirement for DSPPS, or the political subdivision in which building plans are filed, to provide notice to both the structure owner and the person who submitted the plans of a request to inspect or copy building plans.
  - This provision is redundant and conflicts with Wisconsin Open Records Law.
- Provides that a mining inspector employed by DSPPS must have experience in mining or be a graduate of a recognized college with a degree of mining engineering.
  - Current law allows DSPPS to employ non-graduate inspectors only if they have at least 10 years of experience, which has made the hiring process that more difficult to complete.
- Eliminates the requirement that DSPPS publish an annual list of retailers licensed by DSPPS to distribute liquefied petroleum gas.
  - The contents of this list are available upon request, rendering the publication requirement unnecessary.
- Changes the frequency that DSPPS must issue written determinations on whether a political subdivision's program for erosion control on construction sites for one- and two-family dwellings complies with state standards, from once every 3 years to once every 5 years.
- Eliminates an unnecessary requirement that certain Cemetery Board statements be notarized.
- Changes the renewal date for physician assistants from March 1 of each odd-numbered year to March 1 of each even-numbered year.
  - Aligns the renewal year with other health-related professions and the actual year currently being enforced.
- Removes a \$50 civil penalty, which is currently not being assessed, for persons failing to comply with the requirement that an applicant, who changes his or her name or address, notify DSPPS in writing of their new name or address within 30 days of the change.
- Makes technical changes in the nursing practice law, including which individuals must complete the nursing workforce survey.
  - The Wisconsin Department of Workforce Development (DWD) has a workforce survey only for licensed practical nurses (LPNs) and registered nurses (RNs). RNs that also hold an advanced practice nurse prescriber (APNP) certificate are already surveyed during their RN renewal.
- Changes the time by which licensed physicians, perfusionists and anesthesiologists must submit proof of the required continuing education (CE) for registration with the Medical Examining Board.
  - This change requires proof of CE completion to be submitted at the time of renewal, which is consistent with other professions requiring CE.
- Removes the requirement that the Examining Board of Professional Geologists, Hydrologists and Soil Scientists conduct or arrange licensure examinations semiannually.
  - The board currently does not conduct or arrange for examinations, as these professionals take a national examination.

If you have any questions, please contact me at (608) 267-9794.

Kenneth Simons  
Chairperson

Timothy Westlake  
Vice Chairperson

Mary Jo Capodice  
Secretary

WISCONSIN MEDICAL EXAMINING BOARD



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February 8, 2018

THE HONORABLE CODY HORLACHER  
CHAIR, ASSEMBLY COMMITTEE ON REGULATORY LICENSING REFORM  
ROOM 214 NORTH  
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P O BOX 8952  
MADISON WI 53708

Re: Assembly Bill 903

Dear Representative Horlacher and Members of the Assembly Committee on Regulatory Licensing Reform,

I am the Vice Chair of the Wisconsin Medical Examining Board. I write today on behalf of the Board to notify the Committee that the Board is in favor of the provision of Assembly Bill 903 that requires proof of attendance at and completion of continuing education at the time of renewal.

I am happy to provide any additional information upon request.

Sincerely,

A handwritten signature in cursive script that reads "Timothy Westlake, MD". The signature is written in dark ink and is positioned above the printed name and title.

Timothy Westlake, MD  
Vice Chair  
Wisconsin Medical Examining Board

c: Members, Assembly Committee on Regulatory Licensing Reform  
Senator Chris Kapenga