Wisconsin Department of Safety and Professional Services
Division of Policy Development
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Email: dsps@wisconsin.gov

Scott Walker, Governor
Dave Ross, Secretary

WEB/TELECONFERENCE
MASSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
April 11, 2014

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

1:00 P.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A) Adoption of Agenda

B) Welcome New Members

C) Approval of Minutes of August 13, 2013 (4-7)

D) Appointments/Reappointments/Confirmations

1) Carol Ostendorf **(8)**
2) Elizabeth Krizenesky **(9)**

E) Administrative Updates

1) Staff Updates
2) Study on the Potential Consolidation of the Department of Agriculture, Trade and Consumer Protection with the Department of Safety and Professional Services – Discussion of Findings and Recommendation **(10-138)**
3) Election of Officers
   a) Chair
   b) Vice Chair
   c) Secretary

4) Appointment of Liaisons and Alternates
   a) Credentialing Liaison and Alternate
   b) DLSC Liaison and Alternate
   c) Monitoring Liaison and Alternate
   d) Education and Exams Liaison and Alternate
   e) Legislative Liaison
   f) Travel Liaison and Alternate
   g) Website Liaison and Alternate
   h) Rules Liaison
   i) Professional Assistance Procedure (PAP) Liaison **(139-143)**
   j) Other Liaison(s)
   k) Screening Panel (3 Members)
5) Delegated Authority Motions **(144-146)**

F) Legislative/Administrative Rule Matters:
1) Current and Future Rule Making and Legislative Initiatives
2) Administrative Rules Report
3) Adoption of Rulemaking Order CR 13-055 **(147-162)**
4) 165-MTBT 5 Unprofessional Conduct – Review of Initial Draft **(163-170)**

G) Federation of State Massage Therapy Boards (FSMTB) Matters
1) Report on the FSMTB 2013 Annual Meeting – John Anderson

H) Items Added After Preparation of Agenda:
1) Introductions, Announcements and Recognition
2) Administrative Updates
3) Education and Examination Matters
4) Credentialing Matters
5) Practice Matters
6) Legislation/Administrative Rule Matters
7) Liaison Report(s)
8) Informational Item(s)
9) Disciplinary Matters
10) Presentations of Petition(s) for Summary Suspension
11) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
12) Presentation of Proposed Decisions
13) Presentation of Interim Order(s)
14) Petitions for Re-Hearing
15) Petitions for Assessments
16) Petitions to Vacate Order(s)
17) Petitions for Designation of Hearing Examiner
18) Motions
19) Petitions
20) Appearances from Requests Received or Renewed
21) Speaking Engagement(s), Travel, or Public Relation Request(s)

I) Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).

J) Presentation and Deliberation on Proposed Stipulations, Final Decisions, and Orders by the Division of Legal Services and Compliance (DLSC):

1) Shuying Ding – 13 MAB 012 **(171-182)**
   a) Case Advisor: John Anderson

K) Case Closing(s)

1) 12 MAB 013 (E.L.S.) **(183-185)**
2) 13 MAB 002 (R.A.S.) **(186-189)**
3) 13 MAB 005 (X.Z.) **(190-196)**
4) 12 MTB 017 (L.L.M.) **(197-199)**
5) 13 MAB 008 (J.W.) **(200-202)**

L) Deliberation of Items Added After Preparation of the Agenda

1) Education and Examination Matters
2) Credentialing Matters
3) Disciplinary Matters
4) Monitoring Matters
5) Professional Assistance Procedure (PAP) Matters
6) Petition(s) for Summary Suspensions
7) Petition(s) for Extension of Time
8) Proposed Interim Orders
9) Petitions for Assessments and Evaluations
10) Petitions to Vacate Orders
11) Remedial Education Cases
12) Proposed Stipulations, Final Decisions and Orders
13) Administrative Warnings
14) Proposed Decisions
15) Matters Relating to Costs
16) Complaints
17) Case Closings
18) Case Status Report
19) Motions
20) Petitions for Re-Hearing
21) Appearances from Requests Received or Renewed

M) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

N) Open Session Items Noticed Above not Completed in the Initial Open Session

O) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

P) Ratification of Licenses and Certificates

ADJOURNMENT

MASSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD
AUGUST 13, 2013

PRESENT: John Anderson, Elizabeth Krizenesky, Carole Ostendorf, Cindy Spitza (virtual meeting; excused at 1:05 p.m.), Barbara Yetter

STAFF: Tom Ryan, Executive Director; Karen Rude-Evans, Bureau Assistant

CALL TO ORDER

Elizabeth Krizenesky called the meeting to order at 9:00 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- Item G (open) – Report on Discussions with the Podiatry Affiliated Credentialing Board - is removed from the agenda
- Item I (open) – Public Hearing for MTBT 1.01 Temporary Licensure and Continuing Education – insert after page 54:
    - Written comments from Associated Bodywork and Massage Professionals (ABMP)
    - Written comments from Joan Hamilton, Globe University
    - Clearinghouse Report to Agency

MOTION: Carole Ostendorf moved, seconded by Barbara Yetter, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES – AUGUST 2, 2013

MOTION: Cindy Spitza moved, seconded by Carole Ostendorf, to approve the minutes of August 2, 2013 as written. Motion carried unanimously.

DRAFT

LEGISLATION/ADMINISTRATIVE RULES MATTERS

Review of Scope Statement Relating to Unprofessional Conduct

MOTION: Carole Ostendorf moved, seconded by John Anderson, to approve the scope statement as amended. Motion carried unanimously.

MOTION: Barbara Yetter moved, seconded by Cindy Spitza, to appoint Elizabeth Krizenesky to approve the scope statement to send to the Governor's office and authorize implementation if the Governor's office approves the scope statement. Motion carried unanimously.

Executive Order 61 – Report from John Anderson

MOTION: John Anderson moved, seconded by Carole Ostendorf, that no negative undue small business impact was found after review of the rules. Motion carried unanimously.

Executive Order 50 – Review of Position Statements

MOTION: Barbara Yetter moved, seconded by John Anderson, to remove the position statements from the DSPS website. Motion carried unanimously.

Wis. Stat. s. 15.085, Chairperson Meeting with Medical Examining Board to Consider All Matters of Joint Interest

MOTION: Carole Ostendorf moved, seconded by John Anderson, to have the Chair refrain from meeting with the Medical Board under Wis. Stat. s. 15.085 at this time. Motion carried unanimously.

FSMTB 2013 ANNUAL MEETING – OCTOBER 10-13 BALTIMORE, MD

MOTION: Elizabeth Krizenesky moved, seconded by Carole Ostendorf, to authorize John Anderson or an alternate selected by the Chair from the Board or the Department in the event the Delegate is unavailable, to attend and to represent the Board as its delegate at the FSMTB 2013 Annual Meeting, October 10-13 in Baltimore, MD. Motion carried unanimously.

DRAFT

PUBIC HEARING FOR MTBT 1.01 TEMPORARY LICENSURE AND CONTINUING EDUCATION

Chair Elizabeth Krizenesky called the public hearing to order at 10:11 a.m.

Casey Guilfoyle, Joan Hamilton, Patrick Sweeney and Lenore Weitzman addressed the Board.

Chair Elizabeth Krizenesky adjourned the public hearing at 10:28 a.m.

Review and Discussion of Public Comments and Clearinghouse Report for MTBT 1.01

MOTION: Barbara Yetter moved, seconded by Elizabeth Krizenesky, to remove chapter 7.03(1)(c). Motion carried unanimously.

MOTION: Carole Ostendorf moved, seconded by Cindy Spitza, to state individuals or institutions must have their continuing education courses approved by the professional organizations that address improvement of the profession as defined in chapter 7.03(1)(c). Motion carried unanimously.

MOTION: Barbara Yetter moved, seconded by Carole Ostendorf, to appoint Barbara Yetter and Elizabeth Krizenesky to review and approve the draft rule prior to sending to the legislature. Motion carried unanimously.

RECESS TO CLOSED SESSION

Elizabeth Krizenesky, Chair, read the motion to convene to closed session.

MOTION: Carole Ostendorf moved, seconded by John Anderson, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call: John Anderson-yes; Elizabeth Krizenesky-yes; Carole Ostendorf-yes; Cindy Spitza-yes; Barbara Yetter-yes. Motion carried unanimously.

Open session recessed at 11:39 a.m.

RECONVENE IN OPEN SESSION

MOTION: Carole Ostendorf moved, seconded by John Anderson, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:38 p.m.

DRAFT

REAFFIRM MOTIONS MADE IN CLOSED SESSION

MOTION: Carole Ostendorf moved, seconded by Elizabeth Krizenesky, to reaffirm all motions made in closed session. Motion carried unanimously.

PROPOSED ADMINISTRATIVE WARNING

MOTION: Barbara Yetter moved, seconded by John Anderson, to issue the Administrative Warning in **case 13 MAB 001 (C.M.P.)**. Motion carried unanimously.

APPLICATION REVIEWS

MOTION: Barbara Yetter moved, seconded by Cindy Spitza, to approve the application of **M.J.G.** and to issue the license when all other requirements are met. Motion carried unanimously.

MOTION: Barbara Yetter moved, seconded by Carole Ostendorf, to issue an intent to deny the application of **T.W.Y.** and to request more information to be received including a letter from the chair of his massage therapy school regarding his academic performance and a personal statement detailing employment history from March 2007, his incarceration and probation violation and any other information pertinent to his application for licensure. Motion carried unanimously.

MOTION: Elizabeth Krizenesky moved, seconded by Barbara Yetter, to authorize John Anderson to review the information received and to make a licensing decision regarding the application of **T.W.Y** on behalf of the Board in consultation with legal counsel as necessary. Motion carried unanimously.

CASE CLOSINGS

MOTION: Barbara Yetter moved, seconded by Carole Ostendorf, to close **12 MTB 011 for lack of jurisdiction**. Motion carried unanimously.

ADJOURNMENT

MOTION: Barbara Yetter moved, seconded by John Anderson, to adjourn the meeting at 1:35 p.m. Motion carried unanimously.

DRAFT

SCOTT WALKER

OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. BOX 7863
MADISON, WI 53707

GOVERNOR'S APPOINTMENT

NAME:	Ms. Carol Ostendorf
MAILING ADDRESS:	[redacted]
E-MAIL ADDRESS:	[redacted]
RESIDES IN:	[redacted]
TELEPHONE:	[redacted]
OCCUPATION:	[redacted]
APPOINTED TO:	Massage Therapy and Bodywork Therapy Affiliated Credentialing Board Public Member
TERM:	A term to expire July 1, 2018
SUCCEEDS:	Herself
SENATE CONFIRMATION:	Required
DATE OF APPOINTMENT:	July 1, 2014
DATE OF NOMINATION:	February 3, 2014

SCOTT WALKER

OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. BOX 7863
MADISON, WI 53707

GOVERNOR'S APPOINTMENT

NAME:	Ms. Elizabeth Krizenesky
MAILING ADDRESS:	[redacted]
E-MAIL ADDRESS:	[redacted]
RESIDES IN:	[redacted]
TELEPHONE:	[redacted]
OCCUPATION:	[redacted]
APPOINTED TO:	Massage Therapy and Bodywork Therapy Affiliated Credentialing Board Massage/Bodywork Therapist 1
TERM:	A term to expire July 1, 2018
SUCCEEDS:	Herself
SENATE CONFIRMATION:	Required
DATE OF APPOINTMENT:	July 1, 2014
DATE OF NOMINATION:	January 7, 2014

State of Wisconsin
Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:	2) Date When Request Submitted:
Daniel Agne, Bureau Assistant **on behalf of Tom Ryan, Executive Director**	**1/8/14** Items will be considered late if submitted after 4:30 p.m. on the deadline date: ▪ 8 business days before the meeting for paperless boards ▪ 14 business days before the meeting for all others

3) Name of Board, Committee, Council, Sections:

Medical Examining Board

4) Meeting Date:	5) Attachments:	6) How should the item be titled on the agenda page?
1/15/14	☒ Yes ☐ No	**Study on the Potential Consolidation of the Department of Agriculture, Trade and Consumer Protection with the DSPS (DART) Report - Discussion of Findings and Recommendations**

7) Place Item in:	8) Is an appearance before the Board being scheduled?	9) Name of Case Advisor(s), if required:
☒ Open Session ☐ Closed Session ☐ Both	☐ Yes (Fill out Board Appearance Request) ☒ No	

10) Describe the issue and action that should be addressed:

Review and discussion of Dept of Administration's study on potentially consolidating DATCP and DSPS into the "Department of Agriculture, Regulation and Trade." Also, review related email from Tom Engels.

11) Authorization

Daniel Agne

Signature of person making this request — Date

Supervisor (if required) — Date

Executive Director signature (indicates approval to add post agenda deadline item to agenda) — Date

Directions for including supporting documents:
1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.
3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.

Revised 8/13

From: Engels, Tom - DSPS
Subject: DART Study Report
Date: Monday, December 30, 2013 2:30:10 PM

To: DSPS Staff
From: Tom Engels, DSPS Assistant Deputy Secretary

The Department of Administration has prepared a report on the potential consolidation of the Department of Agriculture, Trade and Consumer Protection with the Department of Safety and Professional Services, in response to requirements of 2013 Wisconsin Act 20, Section 9101(3s). The 2013-15 biennial budget required the Department of Administration to conduct a study to determine the appropriateness of combining the functions currently performed by the Department of Agriculture, Trade and Consumer Protection with services provided by the Department of Safety and Professional Services.
Here is a link to the full report your reference
http://legis.wisconsin.gov/lfb/jfc/reports/Documents/2013_12_26_DART%20Study.pdf

Below are the report's conclusions and recommendations, the first of which recommends against a consolidation of the two departments. I have underlined a sentence in the first bullet point which reflects the tremendous job done by staff here at DSPS.

Should you have any questions regarding the report, please do not hesitate to contact me.

Conclusions and Recommendations

- **Do Not Consolidate Agencies:** Due to limited overlap between agency customers, customer sentiment against a merger, potential administrative difficulties presented by the potential merger and limited potential for savings, the agencies should not be merged. A merger could risk losing the generally high performance ratings of both agencies, most notably the 65.8 percent of respondents that rated their interactions with the Department of Safety and Professional Services as "Good" or "Very Good".

- **Move the Veterinary Examining Board to the Department of Agriculture, Trade and Consumer Protection:** Due to the historical relationship between the Veterinary Board and the department, as well as the close relationship with the veterinary profession, the Veterinary Examining Board should be transferred.

- **Improve Board Staffing and Examine Board Powers:** In response to feedback from impacted stakeholder groups, the study recommends improvements to board staffing, training and document management. The Department of Safety and Professional Services began making changes to improve these areas in 2012, which may have not yet been reflected in stakeholder sentiment. Additionally, the study recommends that the powers and duties of existing examining and advisory boards should be examined, to standardize board practices, meeting schedules, actions on potential licenses and other issues. The study also recommends an examination of the overall practice of state licensure of professions.

- **Licensing Fees Charged by the Department of Safety and Professional Services should be Reexamined:** Most fees charged by the department are set administratively via a fee study, reviewed by the Joint Committee on Finance. These fees should be reexamined through the existing fee study process, with current budget assumptions.

- **Continue Agency Improvements on Document Management, Electronic Licensure and Electronic Communications:** The two departments have projects underway to improve document management, electronic licensing and customer communications. These projects should be continued, in close consultation with each other, other state agencies and the private sector.

- **The Department of Safety and Professional Services is a vital Point of Contact between the state and the public:** Over 380,000 individuals are licensed by the department in order to work in their chosen professions. Additionally, the department reviews the plans of most commercial buildings constructed in the state. This makes the agency one of the primary points of contact for state citizens. Efforts should be made to improve the customer service experience with the agency through additional LEAN Government/Six Sigma initiatives.

Tom Engels | Assistant Deputy Secretary | Wisconsin Dept. of Safety and Professional Services | 608.266.8608

WISCONSIN DEPARTMENT OF
ADMINISTRATION

SCOTT WALKER
GOVERNOR
MIKE HUEBSCH
SECRETARY
Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1741
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December 26, 2013

Senator Alberta Darling Co-Chair
Joint Committee on Finance
Room 317 East, State Capitol
Madison, WI 53707

Representative John Nygren, Co-Chair
Joint Committee on Finance
Room 309 East, State Capitol
Madison, WI 53708

Dear Senator Darling and Representative Nygren:

Enclosed please find a study on the consolidation of the Department of Safety and Professional Services and the Department of Agriculture, Trade and Consumer Protection, which was prepared in response to section 9101(3s) of 2013 Wisconsin Act 20.

The study consists of two documents. The first is the narrative of the study with appendices. The second document details the methodology and results of the survey used for stakeholder outreach. As the study does not recommend a merger of the two agencies, no draft legislation has been prepared and recommendations for the structure or makeup of a potential Department of Agriculture, Regulation and Trade are not included.

Please contact Andrew Hitt, Assistant Deputy Secretary, at 608-261-2299 or Andrew.Hitt@wisconsin.gov if you have any questions about this matter.

Sincerely,

Mike Huebsch
Secretary

cc: Members of Joint Committee on Finance

2014

Tyler Byrnes
Nancy Mistele
Joe Knilans

SURVEY METHODOLOGY AND RESULTS - STUDY ON CONSOLIDATION OF THE DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION WITH THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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Survey Construction

The Legislature requested a study of a potential merger of the Department of Agriculture, Trade and Consumer Protection with the Department of Safety and Professional services but did not specify a method for gathering input.

A decision was made to electronically survey a broad range of stakeholders including individual license and permit holders, stakeholder group representatives and other business organizations in order to reach a broad and diverse audience, gather opinion and comments in a reasonable period of time and use existing technology to tally and analyze results quickly and efficiently.

The survey tool was designed to drive maximum response, gather data and public opinion on the concept of a merger while allowing state license holders and stakeholders to offer comments about existing services with the agencies and their views on potential changes to the service levels should a merger occur.

With overall guidance from the Legislature, questions were constructed with input from Department of Administration staff and policy analysts, reviewed by DSPS and DATCP personnel and finally vetted by others with experience in developing survey tools. The vetting process ensured consistent style and formatting of questions and potential answers in a manner that did not lead respondents to particular answers or conclusions.

Specific questions were crafted to obtain relevant information from customers that would provide justification for a potential merger, or arguments against the merger, depending on respondent answers to the questions. For instance, asking how much interaction customers have with each of the agencies in question would determine whether there was overlap between the two sets of agency responsibilities.

The survey asked up to 24 questions and respondents were able to quickly answer questions or add greater explanation where necessary. If the respondents rated agency performance as poor or very poor, they were provided space to provide additional comments on the survey. The survey included questions related to their experience with services provided by agencies as well as questions directly related to their opinions of a potential merger. At the end of the survey respondents were able to provide general open-ended responses.

Once the questions were constructed, they were placed into an online survey tool developed by staff with the Department of Administration Division of Enterprise Technology. Respondents were asked to rate various aspects of agency performance for agencies with which they interact.

SURVEY DISTRIBUTION

An electronic survey was used to contact the largest number of stakeholders in the most efficient manner. This survey was sent to impacted board members, stakeholder groups and individual license holders and was publicized via media outlets to attract a broad spectrum of public comment. More than 430,000 people were directly contacted with the survey.

The contact lists were generated by using an email list of DSPS license holders, email lists generated from the Office of Business Development interactions with Chambers of Commerce and Economic Development Groups as well as business contacts throughout the state. The survey was also electronically distributed through over 350 DATCP and DSPS identified stakeholder groups with directions to forward the survey to group members.

Links to the on-line survey were sent to email addresses for all the license holders on file with DSPS, which totaled 428,954 emails. In addition to agency contacts, the survey was also distributed to members of the DATCP and DSPS attached boards, members of the Legislature, and via the Department of Administration Office of Business Development at various events and through Chambers of Commerce.

The following is the text of the outreach email sent to potential survey respondents.

Outreach Email sent to Survey Respondents

Good morning,

We are contacting you today as we would appreciate your feedback (including feedback from your organizations board and members) about possibly merging the Department of Safety and Professional Services (DSPS) and the Department of Agriculture, Trade and Consumer Protection (DATCP). Your input about how this consolidation may impact you is very valuable to us.

The 2013-15 state budget calls for a study about consolidating these two agencies. DSPS manages the licensing and regulation of professions in health, business and construction trades. They also oversee state building safety codes and provide services related to plan review, permit issuance, building and component inspection, and safety codes. DATCP is responsible for the promotion and regulation of Wisconsin's agriculture industry, including Agriculture Resource Management and Animal Health, as well as the oversight of food safety and consumer protection.

We ask that you complete the survey and forward this email to your members for their response so we can better understand how a potential consolidation may affect you. Your answers and contact information will be kept confidential and will not be used outside of the scope of this survey. All survey results will be tallied for any reporting purposes.

TAKE THE SURVEY – your answers will be kept confidential

Thank you in advance for your participation and input.
Office of Business Development

Note: throughout the survey, you will see the term 'license' which refers to any license, credential, certification, registration or permit. Please view the term to mean the document a state agency issues as a requirement to do business, perform an occupation or specific work activity in the State of Wisconsin.

Survey Results and Survey Questions

The following tables detail the results of the survey that was distributed to nearly 450,000 people. The following tables show the demographic breakdown of the respondents, responses to questions directly related to opinions about a potential merger of the two agencies, and performance related responses. Over three thousand survey respondents indicated that they would like to receive a copy of the final report.

Table 1: Respondents by Profession

Profession	Respondents	Percent of Total
Health Professions	9,838	39.4%
No Response	7,451	29.9%
Business Professions	5,194	20.8%
Trades Professions	1,920	7.7%
Manufactured Housing	21	0.1%
Mixed Martial Arts/Boxing	14	0.1%
Subtotal	*24,438*	*98.0%*
More than One Response		
Business Professions; Trades Professions	210	0.8%
Health Professions; Business Professions	187	0.7%
Health Professions; Trades Professions	61	0.2%
Health Professions; Business Professions; Trades Professions	28	0.1%
Business Professions; Trades Professions; Manufactured Housing	9	0.0%
Trades Professions; Manufactured Housing	9	0.0%
Business Professions; Manufactured Housing	4	0.0%
Business Professions; Trades Professions; Mixed Martial Arts/Boxing	1	0.0%
Health Professions; Business Professions; Trades Professions; Manufactured Housing; Mixed Martial Arts/Boxing	1	0.0%
Health Professions; Mixed Martial Arts/Boxing	1	0.0%
Subtotal	511	2.1%
Grand Total	***24,949***	***100.0%***

Table 2: Total Respondents by County					
County	**Respondents**	**Percentage**	**County**	**Respondents**	**Percentage**
None Indicated	8,340	33.4%	Marathon	405	1.6%
Adams	54	0.2%	Marinette	105	0.4%
Ashland	48	0.2%	Marquette	38	0.2%
Barron	115	0.5%	Menominee	2	0.0%
Bayfield	57	0.2%	Milwaukee	2,102	8.4%
Brown	687	2.8%	Monroe	108	0.4%
Buffalo	34	0.1%	Oconto	105	0.4%
Burnett	43	0.2%	Oneida	144	0.6%
Calumet	133	0.5%	Outagamie	443	1.8%
Chippewa	209	0.8%	Ozaukee	342	1.4%
Clark	62	0.2%	Pepin	26	0.1%
Columbia	188	0.8%	Pierce	67	0.3%
Crawford	55	0.2%	Polk	93	0.4%
Dane	2,518	10.1%	Portage	186	0.7%
Dodge	225	0.9%	Price	51	0.2%
Door	117	0.5%	Racine	422	1.7%
Douglas	103	0.4%	Richland	64	0.3%
Dunn	119	0.5%	Rock	348	1.4%
Eau Claire	362	1.5%	Rusk	24	0.1%
Florence	10	0.0%	Saint Croix	204	0.8%
Fond du Lac	308	1.2%	Sauk	190	0.8%
Forest	15	0.1%	Sawyer	58	0.2%
Grant	117	0.5%	Shawano	83	0.3%
Green	150	0.6%	Sheboygan	289	1.2%
Green Lake	57	0.2%	Taylor	41	0.2%
Iowa	79	0.3%	Trempealeau	66	0.3%
Iron	23	0.1%	Vernon	73	0.3%
Jackson	46	0.2%	Vilas	86	0.3%
Jefferson	239	1.0%	Walworth	246	1.0%
Juneau	49	0.2%	Washburn	62	0.2%
Kenosha	284	1.1%	Washington	437	1.8%
Kewaunee	61	0.2%	Waukesha	1,468	5.9%
La Crosse	409	1.6%	Waupaca	132	0.5%
Lafayette	50	0.2%	Waushara	58	0.2%
Langlade	59	0.2%	Winnebago	436	1.7%
Lincoln	66	0.3%	Wood	237	0.95%
Manitowoc	217	0.9%			
Counties Represented		**72**			
Total Respondents		**24,949**			

Table 3: Respondents by Reason for Agency Contact		
Reason for Contact	**Respondents**	**Percent of Total**
Obtain or renew an occupational license	16,921	65.5%
None of the Above	2,880	11.1%
Obtain or renew an occupational license; Register my business	1,162	4.5%
Obtain or renew an occupational license; Obtain a permit for a specific activity	611	2.4%
Obtain or renew an occupational license; Register my business; Obtain a permit for a specific activity	503	1.9%
Other with significant Agency contact	462	1.8%
Obtain a permit for a specific activity	384	1.5%
Register my business	355	1.4%
Obtain or renew an occupational license; Other with significant Agency contact	314	1.2%
I am a member of a Board or Council affiliated with an Agency	246	1.0%
I am a Representative of a Trade Association with interests to an Agency	207	0.8%
Multiple Responses - Other	904	3.5%
Grand Total	**24,949**	**100.0%**

Table 4: Respondents by Source of Survey Contact		
Source of Contact	**Respondents**	**Percent of Total**
License Holders	23,438	93.9%
Other via Office of Business Development	497	2.0%
DSPS Stakeholders	336	1.3%
Legislature	173	0.7%
Boards and Councils	147	0.6%
DOA/Wisconsin Website	128	0.5%
Not Available	39	0.2%
Chamber via Office of Business Development	33	0.1%
Bus Development via Office of Business Development	20	0.1%
DATCP Lists	12	0.0%
DSPS Lists	8	0.0%
Lt. Governor Lists	2	0.0%
Cooperative Network	1	0.0%
Grand Total	**24,949**	**100.0%**

Table 5: Categorized responses to the question: How many full time people do you employ?		Categorized responses to the question: How many part time people do you employ?	
Employees	**Respondents**	**Employees**	**Respondents**
Zero	573	Zero	980
Between 1-10 Employees	1,063	Between 1-10 Employees	829
Between 11-50 Employees	224	Between 11-50 Employees	91
Between 51-100 Employees	53	Between 51-100 Employees	10
Between 101-1000 Employees	51	Between 100-1000 Employees	26
Over 1001 Employees	10	Over 1001 Employees	2
Subtotal	*1,974*	*Subtotal*	*1,938*
No response	22,975	No response	23,011
Total	**24,949**	**Total**	**24,949**

Survey Responses – Direct Questions about the Potential Merger

The following tables show the responses to questions directly related to a potential merger of the two agencies. These questions were asked of all respondents. Responses to the question "If consolidation results in lower costs to the agency, how would you want the savings used?" did not provide useful data because too many individuals selected the "other" category. Specific responses are available upon request.

Table 6: Do you believe there should be one agency responsible for all licensing and permitting in Wisconsin?

Response	Respondents	Percentage
No Response	4,247	17.0%
Definitely No	1,408	5.6%
Probably No	1,968	7.9%
Not Sure	2,917	11.7%
Probably Yes	5,861	23.5%
Definitely Yes	8,548	34.3%
Total Respondents	24,949	100.0%

Table 7: Do you believe there should be one agency responsible solely for Agriculture and food safety in Wisconsin?

Response	Respondents	Percentage
No Response	4,248	17.0%
Definitely No	875	3.5%
Probably No	1,177	4.7%
Not Sure	4,377	17.5%
Probably Yes	5,855	23.5%
Definitely Yes	8,417	33.7%
Total Respondents	24,949	100.0%

Table 8: How do you believe a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would affect the services to you as a license holder?

Response	Respondents	Percentage
No Response	4,430	17.8%
Greatly improve service	192	0.8%
Improve service somewhat	760	3.0%
Not sure	8,308	33.3%
Reduce service somewhat	6,270	25.1%
Greatly reduce service	4,989	20.0%
Total Respondents	24,949	100.0%

Table 9: Do you believe that consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection will result in savings?

Response	Respondents	Percentage
No Response	4,352	17.4%
Definitely No	1,401	5.6%
Probably No	5,319	21.3%
Not Sure	6,245	25.0%
Probably Yes	6,209	24.9%
Definitely Yes	1,423	5.7%
Total Respondents	24,949	100.0%

Table 10: If no savings were found from a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would you support the general concept of consolidation?

Response	Respondents	Percentage
No Response	4,375	17.5%
Definitely No	7,191	28.8%
Probably No	6,614	26.5%
Not Sure	3,532	14.2%
Probably Yes	2,364	9.5%
Definitely Yes	873	3.5%
Total Respondents	24,949	0.0%

Performance Evaluation Questions – DATCP

These tables detail the performance evaluations of DATCP. Respondents were only asked these questions if they listed DATCP as an agency with which they do business.

Table 11: DATCP - How would you rate your overall experience with the agency?		
Very Good	309	19.9%
Good	562	36.2%
Average	436	28.1%
Poor	53	3.4%
Very Poor	24	1.5%
No opinion/unsure	169	10.9%
Total	**1,553**	**100%**
Not Asked/No Response	23,396	

Table 12: DATCP - How would you rate the licensing process?		
Very Good	228	15.0%
Good	510	33.6%
Average	413	27.2%
Poor	65	4.3%
Very Poor	17	1.1%
No opinion/unsure	285	18.8%
Total	**1,518**	**100%**
Not Asked/No Response	23,431	

Table 13: DATCP - After submitting your application, what length of time did you wait for your license?		
3 or less business days	202	16.7%
4 - 7 business days	421	34.9%
8 - 29 business days	468	38.8%
30 days or longer	115	9.5%
Total	**1,206**	**100%**
Not Asked/No Response	23,743	

Table 14: DATCP How satisfied are you with the time it takes to receive your license after you apply?		
Very satisfied	385	28.5%
Somewhat satisfied	364	26.9%
No opinion	449	33.2%
Somewhat dissatisfied	100	7.4%
Very dissatisfied	53	3.9%
Total	**1,351**	**100%**
Not Asked/No Response	23,598	

Table 15: DATCP - How much value do you believe there is relative to fees paid to be a license holder?		
Good Value	253	18.3%
Some Value	373	26.9%
Not Sure	367	26.5%
Minimal Value	305	22.0%
No Value	87	6.3%
Total	**1,385**	**100%**
Not Asked/No Response	23,564	

Table 16: DATCP - How frequently, if at all, should you be required to renew your license?		
Renew more frequently	13	1.0%
Leave as is	805	59.7%
Renew less frequently	427	31.7%
Do not require renewal at all	104	7.7%
Total	**1,349**	**100%**
Not Asked/No Response	23,600	

Table 17: DATCP - What is your opinion of the continuing education requirements, if any, for your license?		
Increase the CE requirement	75	5.5%
Ok as is	710	51.6%
No CE is required now	184	13.4%
No opinion	110	8.0%
Reduce the CE requirement	161	11.7%
Do not require CE	93	6.8%
Other	43	3.1%
Total	**1,376**	**100%**
Not Asked/No Response	23,573	

Performance Evaluation Questions – DSPS

These tables detail the performance evaluations of DSPS. Respondents were only asked these questions if they listed DSPS as an agency with which they do business.

Table 18: DSPS - How would you rate your overall experience with the agency?		
Very Good	3,986	24.2%
Good	6,850	41.6%
Average	4,047	24.6%
Poor	626	3.8%
Very Poor	184	1.1%
No opinion/unsure	772	4.7%
Total	**16,465**	**100%**
Not Asked/No Response	8,484	

Table 20: DSPS - How would you rate the licensing process?		
Very Good	4,320	26.4%
Good	6,699	40.9%
Average	4,007	24.5%
Poor	783	4.8%
Very Poor	188	1.1%
No opinion/unsure	385	2.4%
Total	**16,382**	**100%**
Not Asked/No Response	8,567	

Table 21: DSPS - After submitting your application, what length of time did you wait for your license?		
3 or less business days	3,557	22.8%
4 - 7 business days	4,885	31.3%
8 - 29 business days	5,358	34.3%
30 days or longer	1,830	11.7%
Total	**15,630**	**100%**
Not Asked/No Response	9,319	

Table 22: DSPS - How satisfied are you with the time it takes to receive your license after you apply?		
Very satisfied	6,489	40.5%
Somewhat satisfied	4,154	26.0%
No opinion	3,236	20.2%
Somewhat dissatisfied	1,414	8.8%
Very dissatisfied	713	4.5%
Total	**16,006**	**100%**
Not Asked/No Response	8,943	

Table 24: DSPS - How much value do you believe there is relative to fees paid to be a license holder?		
Good Value	3,790	23.3%
Some Value	4,502	27.7%
Not Sure	3,722	22.9%
Minimal Value	3,516	21.6%
No Value	726	4.5%
Total	**16,256**	**100%**
Not Asked/No Response	8,693	

Table 24: DSPS - How frequently, if at all, should you be required to renew your license?		
Renew more frequently	111	0.7%
Leave as is	9,981	60.9%
Renew less frequently	5,548	33.9%
Do not require renewal at all	737	4.5%
Total	**16,377**	**100%**
Not Asked/No Response	8,572	

Table 25: DSPS - What is your opinion of the continuing education requirements, if any, for your license?		
Increase the CE requirement	864	5.3%
Ok as is	8,844	53.9%
No CE is required now	2,388	14.6%
No opinion	588	3.6%
Reduce the CE requirement	1,780	10.9%
Do not require CE	1,131	6.9%
Other	798	4.9%
Total	**16,393**	**100%**
Not Asked/No Response	8,556	

Survey Questions and Answers as seen by Respondents.

The following are print-screens that were seen by survey respondents when they took the survey. Note that all survey respondents did not answer performance evaluation questions on all agencies.

Page 1

State Agency Involvement

My primary purpose for contact with an agency is: Select at least 1 and no more than 6.

- ☐ Obtain or renew an occupational license
- ☐ Register my business
- ☐ Obtain a permit for a specific activity
- ☐ I am a member of a Board or Council affiliated with an Agency
- ☐ I am a Representative of a Trade Association with interests to an Agency
- ☐ Other with significant Agency contact
- ☐ None of the Above

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Background Information

In which county do you reside?

-- None --

To do business in Wisconsin, I have contact with the following agencies: Select at least 1 and no more than 3.

- ☐ Department of Safety and Professional Services (DSPS)
- ☐ Department of Agriculture, Trade and Consumer Protection (DATCP)
- ☐ Other agencies
- ☐ None

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Additional Agencies

Select additional agencies Select no more than 5.

- ☐ Children and Families, Department of

- ☐ Financial Institutions, Department of
- ☐ Health Services, Department of
- ☐ Insurance, Office of the Commissioner of
- ☐ Natural Resources, Department of
- ☐ Public Instruction, Department of
- ☐ Revenue, Department of
- ☐ Workforce Development, Department of
- ☐ Not on list, please specify

Enter Department Name

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Employee Count

In which county is your business located?

-- None --

How many full time people do you employ?

How many part time people do you employ?

Page 5

Profession or Industry

What best represents your profession or industry sector

- ☐ Health Professions
- ☐ Business Professions
- ☐ Trades Professions
- ☐ Manufactured Housing
- ☐ Mixed Martial Arts/Boxing

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Trade Professions

Select category.

- ☐ Fire Sprinkler
- ☐ Dwellings, Structures, Sites
- ☐ Mechanical
- ☐ Blasting
- ☐ Conveyance
- ☐ Electrical
- ☐ Plumbing
- ☐ Inspection

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Agriculture/Food Industry Professions

Select license

- ☐ No license or permit required
- ☐ Animal Control Facility (eff. 6/1/2011)
- ☐ Animal Dealer License
- ☐ Animal Food Processor License
- ☐ Animal Import Permit (certain animals)
- ☐ Animal Market License
- ☐ Animal Shelter (eff. 6/1/2011)
- ☐ Animal Transport Vehicle (animal dealers, markets and truckers)
- ☐ Animal Trucker License
- ☐ Animals Diseased; Permit to Move
- ☐ Apiary Inspection Certificate; Interstate Movement
- ☐ Bulk Milk Tanker; Grade A Permit
- ☐ Bulk Milk Tanker; License to Operate
- ☐ Bulk Milk Weigher and Sampler License
- ☐ Butter Grader License
- ☐ Buttermaker License
- ☐ Cattle and Bison; Import Permit
- ☐ Cattle/Goats; Johne's Disease Herd Classification
- ☐ Cattle; Burcellosis-Free Herd Certification
- ☐ Cattle; Johne's Disease Vaccination Approval
- ☐ Cattle; Tuberculosis-Free Herd Certificate
- ☐ Cheese Grader License
- ☐ Cheese Logo (Wisconsin); Permit to Use
- ☐ Cheesemaker License

- [ ] Christmas Tree Grower License
- [ ] Dairy Farm; Grade A Permit
- [ ] Dairy Farm; Milk Producer License
- [ ] Dairy Plant - Grade A BMT Cleaning Facility
- [ ] Dairy Plant License
- [ ] Dairy Plant; Grade A Permit
- [ ] Dating Service
- [ ] Dead Animal Collector License
- [ ] Dead Animals; Carcass Dealer Registration
- [ ] Dead Animals; Transport Vehicle Permit
- [ ] Deer and Elk (Farm-Raised); Brucellosis Free Herd
- [ ] Deer and Elk (Farm-Raised); CWD Herd Status Program
- [ ] Deer and Elk (Farm-Raised); Herd Registration
- [ ] Deer and Elk (Farm-Raised); Hunting Preserve Registration Certificate
- [ ] Deer and Elk (Farm-Raised); TB Accredited Free Certification
- [ ] Deer and Elk (Farm-Raised); TB Qualified Herd Certification
- [ ] Deer and Elk; Import Permit
- [ ] Dog Breeder (eff. 6/1/2011)
- [ ] Dog Breeding Facility (eff. 6/1/2011)
- [ ] Dog Dealer (eff. 6/1/2010)
- [ ] Dog Dealer; Out-of-State (eff. 6/1/2011)
- [ ] Equine Quarantine Station; Permit
- [ ] Feed (Commercial); License to Manufacture or Distrubute
- [ ] Feedlot (Approved Import Feedlot); Permit
- [ ] Fertilizer Product <24% NPK; Permit
- [ ] Fertilizer; License to Manufacture or Distribute
- [ ] Fish Farm Registration
- [ ] Fish Import Permit
- [ ] Fitness Center
- [ ] Food Marketing Permit (temporary permit for non-conforming label)
- [ ] Food or Farm Product Grader; License
- [ ] Food Processing Plant License (Wholesale)
- [ ] Food Retail Inspection; Agent County or Municipality
- [ ] Food Retail License
- [ ] Food Warehouse License

- [ ] Fur Farm
- [ ] Future Service Plan (Buyers Club)
- [ ] Ginseng Grower and Dealer Registration
- [ ] Goats; Burcellosis-Free Herd Certificate
- [ ] Goats; Tuberculosis-Free Herd Certificate
- [ ] Grain Dealer License
- [ ] Grain Warehouse Keeper License
- [ ] Grease Processor License
- [ ] Honey Producer - Certified
- [ ] Humane Officer Certification
- [ ] Industry Bulk Milk Truck / Tanker Inspector - Appointed
- [ ] Laboratory Analyst Certification (Dairy, Food and Water Labs)
- [ ] Laboratory Certification (Dairy, Food and Water Labs)
- [ ] Laboratory; Milk Screening Test Approval
- [ ] Landspreading Permit; Soils Containing Spilled Agrichemicals
- [ ] Liming Materials; Approval to Sell by Volume
- [ ] Liming Materials; License to Sell
- [ ] Livestock Premises Registration
- [ ] Livestock; Brand Registration
- [ ] Livestock; Permit to Move from Slaughter
- [ ] Maple Sap Processor Registration
- [ ] Meat Broker or Distributor Registration
- [ ] Meat Establishment License
- [ ] Meat; Mobile Slaughter or Processing; Registration Certificate
- [ ] Milk and Cream Tester License
- [ ] Milk Contractor License
- [ ] Milk Distributor License
- [ ] Mobile Air Conditioners; repair or Service Business; Registration
- [ ] Mobile Air Conditioners; Technician Registration
- [ ] Nursery Dealer License
- [ ] Nursery Grower License
- [ ] Pasteurizer Operator -- not a license or permit
- [ ] Pesticide Applicator Certification; Commercial
- [ ] Pesticide Applicator Certification; Private
- [ ] Pesticide Commercial Application Business License

- [ ] Pesticide Commercial Applicator (Individual) License
- [ ] Pesticide Dealer-Distributor License
- [ ] Pesticide Emergency Use Permit
- [ ] Pesticide Experimental Use Permit
- [ ] Pesticide Manufacturer & Labeler License
- [ ] Pesticide Special Local Need Registration
- [ ] Pesticide Special Use Permit
- [ ] Plant Health (Phyto Sanitary) Certificate
- [ ] Plant Pest (or Biological Control Agent); Permit to Move or Release
- [ ] Poultry; Certified Pullorum Tester (National Poultry Improvement Plan)
- [ ] Poultry; Disease-Free Flock Certification (National Poultry Improvement Plan)
- [ ] Poultry; Wisconsin Associate Flock Certification
- [ ] Poultry; Wisconsin Tested Flock Certification
- [ ] Public Warehouse Keeper License
- [ ] Renderer License
- [ ] Seed Labeler License
- [ ] Sheep; Brucella Ovis-Free Certificate
- [ ] Soil and Plant Additive; License to Sell
- [ ] Soil and Plant Additive; Product Permit
- [ ] Swine; Brucellosis-Free Herd Certificate
- [ ] Swine; Pseudorabies - Monitored Herd Certification
- [ ] Swine; Pseudorabies Qualified Negative Grow-Out Herd Certification
- [ ] Swine; Pseudorabies Vaccination Permit
- [ ] Swing; Pseudorabies Qualified Negative Herd Certification
- [ ] Telephone Solicitors Registration (Wisconsin "No Call" Program)
- [ ] Time-Share Seller; Security Requirement
- [ ] Vegetable Contractor License
- [ ] Veternarian; Certification to Perform Official Disease Control Functions
- [ ] Weather Modification License
- [ ] Weather Modification Project Permit
- [ ] Weight Reduction Center; Security Requirement
- [ ] Weights and Measures; Liquid Fuel Vehicle Tank Meter License
- [ ] Weights and Measures; LP Gas Meter License
- [ ] Weights and Measures; Service Company License
- [ ] Weights and Measures; Service Technician Registration

- ☐ Weights and Measures; Vehicle or Livestock Scale Permit
- ☐ Weights and Meausres; Vehicle Scale Operator License

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Boxing and Mixed Martial Arts

Select license

- ☐ Boxing Contestant
- ☐ Boxing or Mixed Martial Arts Judge
- ☐ Boxing or Mixed Martial Arts Promoter
- ☐ Boxing or Mixed Martial Arts Referee
- ☐ Boxing or Mixed Martial Arts Ringside Physician
- ☐ Boxing or Mixed Martial Arts Timekeeper
- ☐ Mixed Martial Arts Contestant

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Business Professions

Select license

- ☐ Accountant, Certified Public
- ☐ Accounting Corporation or Establishment
- ☐ Aesthetician
- ☐ Aesthetics Establishment
- ☐ Aesthetics Instructor
- ☐ Aesthetics School
- ☐ Appraiser, Certified General
- ☐ Appraiser, Certified Residential
- ☐ Appraiser, Licensed
- ☐ Architect
- ☐ Athlete Agent
- ☐ Auction Company
- ☐ Auctioneer
- ☐ Barber
- ☐ Barbering Apprentice

- ☐ Barbering Establishment
- ☐ Barbering Instructor
- ☐ Barbering Manager
- ☐ Barbering School
- ☐ Cemetery Authority (Licensed)
- ☐ Cemetery Authority (Registered)
- ☐ Cemetery Preneed Seller
- ☐ Cemetery Salesperson
- ☐ Certificate of Authorization: Architectural, Engineering or Designer of Engineering Systems Corp.
- ☐ Certificate of Authorization: Geology, Hydrology or Soil Science Corp.
- ☐ Certified General Appraiser
- ☐ Certified Public Accountant
- ☐ Certified Residential Appraiser
- ☐ Charitable Organizations
- ☐ Cosmetology Apprentice
- ☐ Cosmetology Establishment
- ☐ Cosmetology Instructor
- ☐ Cosmetology Manager
- ☐ Cosmetology Practitioner
- ☐ Cosmetology School
- ☐ Crematory Authority
- ☐ Designer of Engineering Systems
- ☐ Electrologist
- ☐ Electrology Establishment
- ☐ Electrology Instructor
- ☐ Electrology School
- ☐ Engineer, Professional
- ☐ Firearms Certifier
- ☐ Firearms Permit
- ☐ Fund-Raising Counsel
- ☐ Funeral Director
- ☐ Funeral Establishment
- ☐ Geologist
- ☐ Home Inspector
- ☐ Hydrologist

- [ ] Interior Designer
- [ ] Juvenile Martial Arts Instructor
- [ ] Land Surveyor
- [ ] Landscape Architect
- [ ] Licensed Appraiser
- [ ] Manicuring Establishment
- [ ] Manicuring Instructor
- [ ] Manicuring School
- [ ] Manicurist
- [ ] Nursing Home Administrator
- [ ] Peddler
- [ ] Private Detective
- [ ] Private Detective/Security Guard Agency
- [ ] Private Security Permit
- [ ] Professional Employer Group
- [ ] Professional Employer Organization
- [ ] Professional Engineer
- [ ] Professional Fund Raiser
- [ ] Real Estate Broker
- [ ] Real Estate Business Entity
- [ ] Real Estate Salesperson
- [ ] Real Estate Salesperson Apprentice
- [ ] Soil Scientist
- [ ] Timeshare Salesperson
- [ ] Warehouse for Cemetery Merchandise

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Health Professions

Select license

- [ ] Acupuncturist
- [ ] Advanced Practice Nurse Prescriber
- [ ] Anesthesiologist Assistant
- [ ] Art Therapist
- [ ] Athletic Trainer

- ☐ Audiologist
- ☐ Behavior Analyst
- ☐ Chiropractic Radiological Technician
- ☐ Chiropractic Technician
- ☐ Chiropractor
- ☐ Clinical Substance Abuse Counselor
- ☐ Clinical Supervisor In Training
- ☐ Controlled Substances Special Use Authorization
- ☐ Dance Therapist
- ☐ Dental Hygienist
- ☐ Dentist
- ☐ Dietitian
- ☐ Drug or Device Manufacturer
- ☐ Hearing Instrument Specialist
- ☐ Independent Clinical Supervisor
- ☐ Intermediate Clinical Supervisor
- ☐ Licensed Midwives
- ☐ Licensed Practical Nurse
- ☐ Licensed Radiographer
- ☐ Limited X-Ray Machine Operator Permit
- ☐ Marriage and Family Therapist
- ☐ Massage Therapist or Bodywork Therapist
- ☐ Music Therapist
- ☐ Nurse - Midwife
- ☐ Occupational Therapist
- ☐ Occupational Therapy Assistant
- ☐ Optometrist
- ☐ Perfusionist
- ☐ Pharmacist
- ☐ Pharmacy (In State)
- ☐ Pharmacy (Out of State)
- ☐ Physical Therapist
- ☐ Physical Therapist Assistant
- ☐ Physician Assistant
- ☐ Physician

- [ ] Podiatrist
- [ ] Prevention Specialist
- [ ] Prevention Specialist in Training
- [ ] Private Pract. School Psychologist
- [ ] Professional Counselor
- [ ] Psychologist
- [ ] Registered Nurse
- [ ] Registered Sanitarian
- [ ] Respiratory Care Practitioner
- [ ] Sign Language Interpreter
- [ ] Sign Language Interpreter (Restricted)
- [ ] Social Worker
- [ ] Social Worker - Advanced Practice
- [ ] Social Worker - Independent
- [ ] Social Worker - Licensed Clinical
- [ ] Social Worker - Training Certificate
- [ ] Speech-Language Pathologist
- [ ] Substance Abuse Counselor
- [ ] Substance Abuse Counselor in Training
- [ ] Veterinarian
- [ ] Veterinary Technician
- [ ] Wholesale Distributor of Prescription Drugs

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Manufactured Homes

Select license

- [ ] Manufactured Home Dealer
- [ ] Manufactured Home Installer
- [ ] Manufactured Home Manufacturer
- [ ] Manufactured Home Salesperson
- [ ] Manufactured Home Title
- [ ] Manufactured Home Community

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Trades Professions - Fire Sprinkler

Select license

- ☐ Automatic Fire Sprinkler Contractor
- ☐ Automatic Fire Sprinkler Contractor – Maintenance
- ☐ Automatic Fire Sprinkler Fitter – Maintenance
- ☐ Automatic Fire Sprinkler System Apprentice
- ☐ Automatic Fire Sprinkler System Tester
- ☐ Automatic Fire Sprinkler System Tester Learner
- ☐ Journeyman Automatic Fire Sprinkler Fitter

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Trades Professions - Blasting and Fireworks

Select license

- ☐ Blaster Class 1
- ☐ Blaster Class 2
- ☐ Blaster Class 3
- ☐ Blaster Class 4
- ☐ Blaster Class 5
- ☐ Blaster Class 6
- ☐ Blaster Class 7
- ☐ Fireworks Manufacturer

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Trades Professions - Conveyances

Select license

- ☐ Elevator Apprentice
- ☐ Elevator Apprentice – Restricted
- ☐ Elevator Contractor
- ☐ Elevator Helper
- ☐ Elevator Mechanic
- ☐ Elevator Mechanic – Restricted

- [ ] Lift Apprentice
- [ ] Lift Helper
- [ ] Lift Mechanic

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Trades Professions - Dwellings, Structures and Sites

Select license

- [ ] Dwelling Contractor
- [ ] Dwelling Contractor – Restricted
- [ ] Dwelling Contractor Qualifier
- [ ] Manufactured Home Installer
- [ ] Manufactured Home Manufacturer
- [ ] Manufactured Home Salesperson
- [ ] Soil Tester
- [ ] Weld Test Conductor
- [ ] Welder

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Trades Professions - Electrical

Select license

- [ ] Beginner Electrician
- [ ] Electrical Apprentice
- [ ] Electrical Contractor
- [ ] Industrial Electrical Apprentice
- [ ] Industrial Journeyman Electrician License
- [ ] Journeyman Electrician
- [ ] Master Electrician
- [ ] Residential Electrical Apprentice
- [ ] Residential Journeyman Electrician License
- [ ] Residential Master Electrician License

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Trades Professions - Inspection

Select license

- ☐ Boiler/Pressure Vessel Inspector
- ☐ Commercial Building Inspector
- ☐ Commercial Electrical Inspector
- ☐ Commercial Plumbing Inspector
- ☐ Elevator Inspector
- ☐ POWTS Inspector
- ☐ Rental Weatherization Inspector
- ☐ Soil Erosion Inspector
- ☐ Tank System Inspector
- ☐ UDC Construction Inspector
- ☐ UDC Electrical Inspector
- ☐ UDC HVAC Inspector
- ☐ UDC Inspection Agency
- ☐ UDC Plumbing Inspector

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Trades Professions - Mechanical

Select license

- ☐ HVAC Contractor
- ☐ HVAC Qualifier
- ☐ Liquefied Gas Supplier
- ☐ Liquefied Gas Supplier – Restricted
- ☐ Refrigerant Handling Technician

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Trades Professions - Plumbing

Select license

- ☐ Cross Connection Control Tester
- ☐ Journeyman Plumber

- ☐ Journeyman Plumber Restricted Appliance
- ☐ Journeyman Plumber Restricted Service
- ☐ Master Plumber
- ☐ Master Plumber Restricted Appliance
- ☐ Master Plumber Restricted Service
- ☐ Pipelayer
- ☐ Plumbing Apprentice
- ☐ Plumbing Learner Restricted Appliance
- ☐ Plumbing Learner Restricted Service
- ☐ POWTS Maintainer
- ☐ Utility Contractor

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The following questions were asked about each of the following agencies:
Department of Agriculture, Trade and Consumer Protection
Department of Safety and Professional Services
Department of Children and Families
Department of Financial Institutions
Department of Health Services
Office of the Commissioner of Insurance
Department of Natural Resources
Department of Revenue
Department of Workforce Development
Other Agencies

Respondents were only asked these questions about an agency if they identified the agency as one they interacted with to do business.

Answer only those questions that apply to you

How would you rate your overall experience with the agency?

○ Very Poor ○ Poor ○ Average ○ Good ○ Very Good
○ No opinion/unsure

How would you rate the licensing process?

○ Very Poor ○ Poor ○ Average ○ Good ○ Very Good

No opinion/unsure

After submitting your application, what length of time did you wait for your license?Select no more than 1.

- 3 or less business days
- 4 - 7 business days
- 8 - 29 business days
- 30 days or longer

How satisfied are you with the time it takes to receive your license after you apply?

Very dissatisfied | Somewhat dissatisfied | No opinion | Somewhat satisfied | Very satisfied

As a license holder, how do you stay up-to-date on changes in state law as it relates to your industry?Select no more than 1.

- Membership Association
- State Agency
- None of the above
- Other, please specify

How much value do you believe there is relative to fees paid to be a license holder?

Good Value | Some Value | Not Sure | Minimal Value | No Value

How frequently, if at all, should you be required to renew your license?Select no more than 1.

- Leave as is
- Renew more frequently
- Renew less frequently
- Do not require renewal at all

What is your opinion of the continuing education (CE) requirements, if any, for your license?Select no more than 1.

- No CE is required now
- Ok as is
- Reduce the CE requirement

- [ ] Increase the CE requirement
- [ ] Do not require CE
- [ ] Additional comments on CE
- [ ] No opinion

Enter additional comments:

Page 21

How would you improve your experience

Page 22

How would you improve your experience with the licensing process

Page 53

Consolidation Input – All respondents were asked these questions

Do you believe there should be one agency responsible solely for Agriculture and food saftey in Wisconsin?Select at least 1 and no more than 1.

- [ ] Definitely Yes
- [ ] Probably Yes
- [ ] Not Sure
- [ ] Probably No
- [ ] Definitely No

Do you believe there should be one agency responsible for all licensing and permitting in Wisconsin?Select at least 1 and no more than 1.

- ☐ Definitely Yes
- ☐ Probably Yes
- ☐ Not Sure
- ☐ Probably No
- ☐ Definitely No

If Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection were consolidated how do you think the focus of the new agency might change the current functions such as agriculture, food safety, consumer protection, building plan review and professional licensing?

- ☐ Reduce focus
- ☐ Stay the same
- ☐ Increase focus
- ☐ Unsure

How do you believe a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would affect the services to you as a license holder?

- ☐ Greatly reduce service
- ☐ Reduce service somewhat
- ☐ Not sure
- ☐ Improve service somewhat
- ☐ Greatly improve service

Do you believe that consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection will result in savings?

- ☐ Definitely Yes
- ☐ Probably Yes
- ☐ Not Sure
- ☐ Probably No
- ☐ Definitely No

If consolidation results in lower costs to the agency, how would you want the savings used?

- ☐ Return savings to taxpayers
- ☐ Use savings to reduce license fees
- ☐ Invest savings to provide better service

☐ Other, please specify

If no savings were found from a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would you support the general concept of consolidation?

☐ Definitely Yes

☐ Probably Yes

☐ Not Sure

☐ Probably No

☐ Definitely No

Please use the space below to provide additional comments

Survey Distribution - Stakeholder Groups Contacted with Electronic Survey

The following is a list of the stakeholder groups contacted and asked to distribute via email to their membership by DATCP

Number	Organization
1.	211 (Badger Bay Management Co.)
2.	ABS Global, Inc.
3.	AgrAbility of Wisconsin
4.	Alta Genetics
5.	Babcock Institute
6.	Bioforward
7.	Bull Studs Emergency Management, Accelerated Genetics
8.	Capitol Consultants, Inc.
9.	Capitol Strategies
10.	Center for Dairy Profitability
11.	Center for Integrated Agricultural Systems (CIAS)
12.	Chippewa County Economic Development Corporation
13.	Concerned Auto Recyclers of WI
14.	Cooperative Network Association
15.	Dairy Business Assn
16.	Dane County Farmers Market
17.	Daybreak Foods
18.	Department of Health
19.	Department of Natural Resources
20.	Department of Public Instruction
21.	DeWitt, Ross & Stevens
22.	Discover Mediaworks
23.	Easter Seals Wisconsin
24.	Equity Cooperative Livestock Sales Association
25.	ExxonMobil Refining and Supply Company
26.	FairShare CSA Coalition
27.	Farley Center for Peace, Justice & Sustainability
28.	Focus on energy
29.	Fondy food Center
30.	Food and Beverage Milwaukee
31.	Food Export Association of the Midwest
32.	Genex
33.	Ginseng Board of Wisconsin
34.	GLCI Steering Committee/NRCS
35.	Gold'n Plump Poultry

36.	Gorst Valley Hops
37.	GrassWorks
38.	Great Lakes Farm to School Network
39.	Green County Beef Producers
40.	Growing Power
41.	Growmark
42.	Health First Wisconsin
43.	Hmong Wisconsin Chamber of Commerce
44.	Indianhead Food Service Distribution
45.	Indianhead Polled Hereford Association
46.	Indianhead Sheep Breeders Association
47.	International Society of Weighing and Measuring
48.	Jennie-O Turkey Store, Inc.
49.	Kettle Moraine Mink Breeders
50.	MacFarlane Pheasants, Inc.
51.	Madison Area Community Supported Agriculture
52.	Madison International Trade Association
53.	Madison Region Economic Development Partnership
54.	Marathon Petroleum
55.	Master Meat Crafter Program
56.	McKay Nursery
57.	Michael Best & Friedrich LLP
58.	Michael Fields Agriculture Institute
59.	Midwest Food Processors Association
60.	Midwest Grocers Association
61.	Midwest Organic and Sustainable Education Service
62.	Midwest Organic Services Association
63.	Midwest Pickle Association
64.	Midwest Pinzgauer Association
65.	Milwaukee International Trade Association
66.	New North, Inc.
67.	NFO - Wisconsin
68.	Organic Advisory Council
69.	Organic Valley
70.	Professional Dairy Producers of WI
71.	REAP Food Group
72.	Reindeer Owners & Breeders Association (R.O.B.A.)
73.	SE Wisconsin Farm and Food Network
74.	Sexing Technologies Inc.
75.	Small Business Development Center - Milwaukee
76.	Southwest Badger Resource Conservation & Development Council

77.	Spring Rose Growers Cooperative
78.	Syngenta
79.	The Welch Group
80.	Transform WI
81.	U.S. Commercial Service Midwest
82.	U.S. Small Business Administration-Madison
83.	USDA Rural Development
84.	UW Cooperative Extension
85.	UW Extension
86.	UW Extension – Emergency Management
87.	UW Madison - CALS
88.	UW Madison - Center for Integrated Agricultural Systems
89.	UW Madison -West Madison Ag. Research Station
90.	UW River Falls
91.	UW Superior
92.	UW-Madison Animal Science Dept.
93.	UW-Madison Food Science
94.	UW-River Falls Animal Science Dept.
95.	WAGA, WATA, WBGA, WFVG
96.	Whitetails of Wisconsin (W.O.W.)
97.	WI/MN Petroleum Council
98.	Wisconsin Agribusiness Council
99.	Wisconsin Agricultural Tourism Association
100.	Wisconsin Agri-Service Assoc.
101.	Wisconsin AgroSecurity Resource Network
102.	Wisconsin Airport Management Association
103.	Wisconsin Angus Association
104.	Wisconsin Apple Growers Association
105.	Wisconsin Aquaculture Association, Inc.
106.	Wisconsin Association of Fairs
107.	Wisconsin Association of FFA
108.	Wisconsin Association of Meat Processors
109.	Wisconsin Association of Professional Agricultural Consultants
110.	Wisconsin Automobile & Truck Dealers Association Inc.
111.	Wisconsin Automotive Aftermarket Association
112.	Wisconsin Bakers Association Inc.
113.	Wisconsin Beef Council
114.	Wisconsin Berry Growers Association
115.	Wisconsin Cattlemen’s Assn
116.	Wisconsin Cattlemen's Association
117.	Wisconsin Center for Dairy Research

118.	Wisconsin Cheese Makers Assn
119.	Wisconsin Cherry Board
120.	Wisconsin Cherry Growers Inc.
121.	Wisconsin Christmas Tree Producers Association
122.	Wisconsin Commercial Deer & Elk Farmers Association
123.	Wisconsin Commercial Flower Growers Association
124.	Wisconsin Corn Growers Assn
125.	Wisconsin Corn Promotion Board
126.	Wisconsin Cranberry Board
127.	Wisconsin Cranberry Growers Association
128.	Wisconsin Dairy Artisan Network
129.	Wisconsin Dairy Products Association
130.	Wisconsin Economic Development Corporation
131.	Wisconsin Emu Association
132.	Wisconsin Farm Bureau Federation
133.	Wisconsin Farm Service Agency
134.	Wisconsin Farmers Union
135.	Wisconsin Fire Chief's Association
136.	Wisconsin Fire Inspectors Association
137.	Wisconsin Food Hub Cooperative
138.	Wisconsin Foodie
139.	Wisconsin Fresh Market Vegetable Growers Association
140.	Wisconsin Grape Growers Association
141.	Wisconsin Grass-fed Beef Cooperative
142.	Wisconsin Green Industry Federation
143.	Wisconsin Grocers Association
144.	Wisconsin Hereford Association
145.	Wisconsin Holstein Association
146.	Wisconsin Honey Producers Association
147.	Wisconsin Horse Council
148.	Wisconsin Innovation Kitchen
149.	Wisconsin Insurance Alliance
150.	Wisconsin Jersey Breeders Association
151.	Wisconsin Jewelers Association
152.	Wisconsin Livestock and Meat Council
153.	Wisconsin Livestock Breeders Association
154.	Wisconsin Local Food Network
155.	Wisconsin Manufacturing Extension Partnership
156.	Wisconsin Maple Syrup Producers Association
157.	Wisconsin Marina Association
158.	Wisconsin Milk Marketing Board, Inc.

159.	Wisconsin Mint Board
160.	Wisconsin Nursery Growers Association
161.	Wisconsin Obesity Prevention Network
162.	Wisconsin Office of Rural Health
163.	Wisconsin Paper Council
164.	Wisconsin Petroleum Council (WPC)
165.	Wisconsin Petroleum Equipment Association
166.	Wisconsin Petroleum Equipment Contractors Association (WisPEC)
167.	Wisconsin Petroleum Marketers and Convenience Store Association
168.	Wisconsin Pork Association
169.	Wisconsin Potato and Vegetable Growers Association
170.	Wisconsin Potato Board
171.	Wisconsin Potato Industry Board
172.	Wisconsin Poultry & Egg Improvement Assn
173.	Wisconsin Propane Gas Association
174.	Wisconsin Red and White Cattle Association
175.	Wisconsin Restaurant Association
176.	Wisconsin Rural Partners
177.	Wisconsin Rural Women's Initiative
178.	Wisconsin Self-Service Laundry Association
179.	Wisconsin Sheep Breeders Cooperative
180.	Wisconsin Sheep Dairy Cooperative
181.	Wisconsin Shorthorn Association
182.	Wisconsin Show Pig Association
183.	Wisconsin Simmental Association
184.	Wisconsin Sod Producers Association
185.	Wisconsin Soybean Association
186.	Wisconsin Soybean Board
187.	Wisconsin Specialty Cheese Institute
187.	Wisconsin Specialty Cheese Institute
188.	Wisconsin State Cranberry Growers Association
189.	Wisconsin Transportation Builders Association
190.	Wisconsin Utilities Association
191.	Wisconsin Veterinary Medical Assoc.
192.	Wisconsin Veterinary Medical Association
193.	Wisconsin Winery Association
194.	World Beef Expo
195.	World Trade Center Wisconsin
196.	WTCS Ag Education

DSPS Groups

The following is a list of the stakeholder groups contacted and asked to distribute via email to their membership by DSPS.

Number	Organization
1.	American Massage Therapy Association, WI Chapter
2.	Chiropractic Society of Wisconsin
3.	Funeral Service and Cremation Alliance of Wisconsin
4.	International Union of Operating Engineers Local #139
5.	Iron Workers District Council of the North Central States
6.	Lake State Lumber Association
7.	Leading Age Wisconsin
8.	League of Wisconsin Municipalities
9.	Madison Area Builders Association
10.	Mechanical Contractors Association of Wisconsin
11.	Medical College of Wisconsin
12.	Mental Health America of Wisconsin
13.	Miron Construction
14.	National Association of Chain Drug Stores
15.	National Association of Social Workers – WI Chapter
16.	National Electrical Manufacturers Association
17.	Novartis Pharmaceuticals Corporation
18.	Otsuka America Pharmaceutical, Inc.
19.	Pharmaceutical Research and Manufacturers of America (PhRMA)
20.	Pharmacy Society of Wisconsin
21.	Reckitt Benckiser Pharmaceuticals Inc
22.	Southeast Dental Associates
23.	Sunovion Pharmaceuticals, Inc
24.	Takeda Pharmaceuticals America
25.	VJS Construction Services
26.	Wal-Mart
27.	Wisconsin Academy of Ophthalmology
28.	Wisconsin Academy of Physician Assistants
29.	Wisconsin Alliance of Hearing Professionals
30.	Wisconsin Amusement and Music Operators
31.	Wisconsin Association for Marriage and Family Therapy
32.	Wisconsin Association of Nurse Anesthetists
33.	Wisconsin Association of School Nurses
34.	Wisconsin Athletic Trainers Association, Inc.
35.	Wisconsin Builders Association

36.	Wisconsin Business Alliance
37.	Wisconsin Chapter of the American Academy of Pediatrics
38.	Wisconsin Chapter of the American College of Emergency Physicians, Inc.
39.	Wisconsin Chiropractic Association
40.	Wisconsin Dental Association
41.	Wisconsin Dental Hygienists Association

2014

State of Wisconsin,
Department of
Administration

Tyler Byrnes
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STUDY ON CONSOLIDATION OF THE DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION WITH THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Study presented to the Legislature to meet requirements of 2013 Wisconsin Act 20, Section 9101(3s).

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Executive Summary

The Department of Administration has prepared a report on the potential consolidation of the Department of Agriculture, Trade and Consumer Protection with the Department of Safety and Professional Services, in response to requirements of 2013 Wisconsin Act 20, Section 9101(3s). The 2013-15 biennial budget required the Department of Administration to conduct a study to determine the appropriateness of combining the functions currently performed by the Department of Agriculture, Trade and Consumer Protection with services provided by the Department of Safety and Professional Services. The legislation required the study to consult with the impacted agencies, the boards and councils attached to or under those agencies, and members of the public who may be affected by the consolidation of the two agencies

Outreach

- The study was completed in consultation with affected customers via an electronic survey, with more than 24,000 responses. See the Survey Methodology and Results document for complete results and methodology, as well as Appendices 3, 4 and 5 for survey questions, results and demographics.

- Impacted agencies were consulted directly via meetings with agency leadership and administrative staff.

- Stakeholder group representatives were engaged via direct meetings and direct contacts in the form of letters sent to leadership at the Department of Administration.

Conclusions and Recommendations

- **Do Not Consolidate Agencies:** Due to limited overlap between agency customers, customer sentiment against a merger, potential administrative difficulties presented by the potential merger and limited potential for savings, the agencies should not be merged. A merger could risk losing the generally high performance ratings of both agencies, most notably the 65.8 percent of respondents that rated their interactions with the Department of Safety and Professional Services as "Good" or "Very Good".

- **Move the Veterinary Examining Board to the Department of Agriculture, Trade and Consumer Protection:** Due to the historical relationship between the Veterinary Board and the department, as well as the close relationship with the veterinary profession, the Veterinary Examining Board should be transferred.

- **Improve Board Staffing and Examine Board Powers:** In response to feedback from impacted stakeholder groups, the study recommends improvements to board staffing, training and document management. The Department of Safety and Professional Services began making changes to improve these areas in 2012, which may have not yet been reflected in stakeholder sentiment. Additionally, the study recommends that the powers and duties of existing examining and advisory boards should be examined, to standardize board

practices, meeting schedules, actions on potential licenses and other issues. The study also recommends an examination of the overall practice of state licensure of professions.

- **Licensing Fees Charged by the Department of Safety and Professional Services should be Reexamined:** Most fees charged by the department are set administratively via a fee study, reviewed by the Joint Committee on Finance. These fees should be reexamined through the existing fee study process, with current budget assumptions.

- **Continue Agency Improvements on Document Management, Electronic Licensure and Electronic Communications:** The two departments have projects underway to improve document management, electronic licensing and customer communications. These projects should be continued, in close consultation with each other, other state agencies and the private sector.

- **The Department of Safety and Professional Services is a vital Point of Contact between the state and the public:** Over 380,000 individuals are licensed by the department in order to work in their chosen professions. Additionally, the department reviews the plans of most commercial buildings constructed in the state. This makes the agency one of the primary points of contact for state citizens. Efforts should be made to improve the customer service experience with the agency through additional LEAN Government/Six Sigma initiatives.

Part I: Background Information

Department of Safety and Professional Services

The Department of Safety and Professional Services (DSPS) serves as the state's primary entity for licensure of professionals, with over 388,000 active credential holders. Licenses issued by the agency are generally issued to individual professionals in a specific occupation. Professions are either regulated and licensed through an examining board or directly by the department, depending on the applicable governing statute for a specific license. In addition to the examining boards, there are also a large number of advisory boards attached to the agency. Advisory boards have less authority over the licensing requirements and regulation of various professions. These boards must be consulted when changes to regulations are made, but do not have final authority over changes.

The agency is also responsible for ensuring competent practice of licensed professionals, the safety of the construction and use of public and private buildings, and compliance with professional and industry standards.

Division of Policy Development

The Division of Policy Development provides administrative support and policy guidance to the professional boards by facilitating board meetings and serving as a liaison between the boards and the department. The division manages the administrative rule promulgation process for both professions regulated by examining boards and professions directly regulated by the agency. In addition, the division is responsible for managing continuing education and examination requirements for regulated professions.

Division of Legal Services and Compliance

The Division of Legal Services and Compliance provides legal services to professional boards regarding the investigation and discipline of licensed credential holders for violations of professional regulations. The division is also responsible for the complaint intake process, compliance monitoring, and a confidential program for impaired professionals. In addition, the division conducts business compliance inspections and financial audits.

Division of Industry Services

Within the Division of Industry Services, the Bureau of Field Services provides services related to the inspections, construction and operation of buildings, along with ensuring compliance with health and safety codes. The Bureau of Technical Services provides services such as plan review, consultation and product evaluation. The Bureau of Administrative Services provides administrative support to the division.

Division of Management Services

The Division of Management Services provides administrative services to the Office of the Secretary and all other divisions within the department. These services include human resources, payroll, planning, budget, accounting and information technology.

Division of Professional Credential Processing

The Division of Professional Credential Processing is responsible for all credential application processing, including determination of credential eligibility and credential renewal.

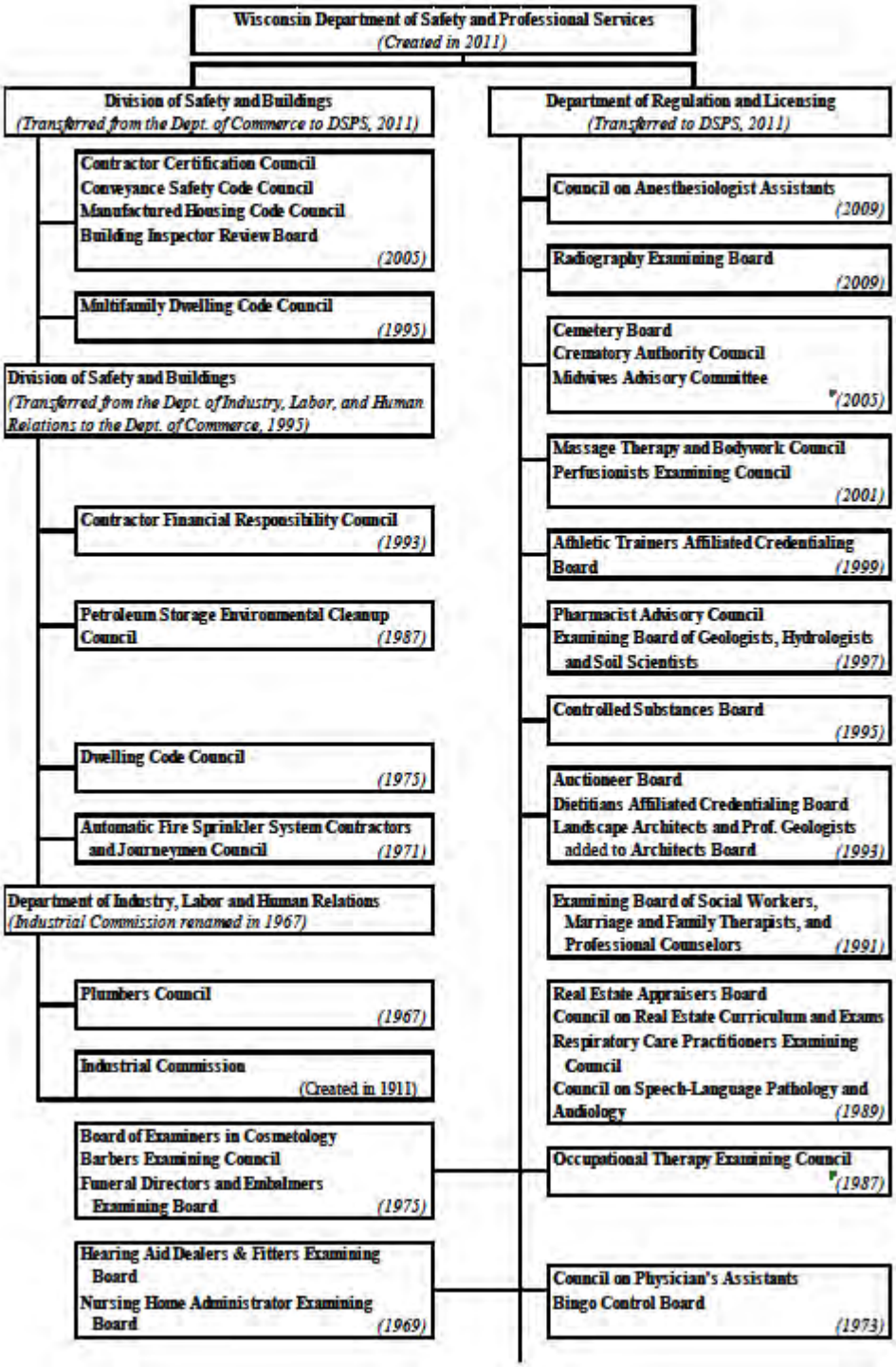
Agency History

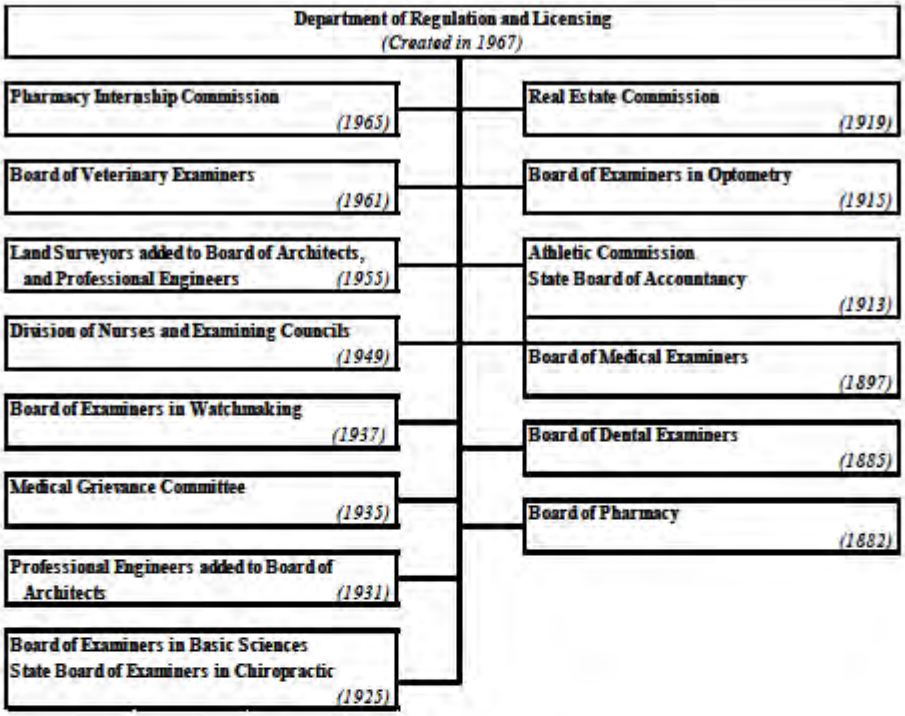
Occupational licensing had previously been the responsibility of the Department of Regulation and Licensing (DRL), which is now DSPS. DSPS was created by combining several existing regulatory boards and commissions under one agency as a part of the broad reorganization of state government in the mid-1960s. Prior to the creation of DRL, professional occupations were regulated by independent examining boards that had the authority to regulate the professions, grant credentials and collect fees. Each of these independent boards had a separate budget and directly employed staff. The first such board was the Pharmacy Examining Board, created in 1882 with 16 additional independent examining boards or councils created through 1965. DRL existed, with additional responsibilities added over time, until 2011.

The 2011-13 biennial budget, 2011 Wisconsin Act 32, created the Department of Safety and Professional Services. DSPS was responsible for all the functions of DRL, as well as additional responsibilities related to environmental regulatory services, and safety and buildings, which were transferred from the Department of Commerce. As part of the 2013-15 biennial budget, the majority of functions related to environmental regulatory services were transferred to the Department of Natural Resources (DNR) and to DATCP, as noted below.

DSPS is almost entirely funded by licensing fees and plan review fees. Most of these fees are set administratively via a fee study, subject to review by the Joint Committee on Finance. The fees are intended to be set at rates that allow the department to function. In past fiscal years, due to statewide tax revenue constraints, state agencies, including DSPS, have been required to lapse a portion of their funding to the general fund in order for the fund to maintain a positive fund balance. Item 1 shows the history of the department:

Item 1: DSPS History





Relevant Budget Changes

The 2013-15 biennial budget act made significant changes to DSPS responsibilities, by transferring functions to DNR and DATCP. This section details those changes.

The department had shared responsibility with DNR for administration of the Petroleum Environmental Cleanup Fund Award (PECFA) program and the abandoned tank removal program. PECFA reimburses owners for a portion of the costs incurred for remediation of contamination from leaking petroleum product storage tank systems and home heating oil systems.

DSPS was responsible for the financial reimbursement portion of the program, including review and payment of claims, and for administration of cleanup at low- and medium-risk petroleum sites. These responsibilities, along with associated funding and staff were transferred to DNR. Management of the petroleum inspection segregated fund, which is funded through a 2 cent per gallon tax on motor fuel, was also transferred to DNR. The functions were transferred to DNR because these functions were already partially covered by that agency and combining the split functions provided operational efficiencies. A net total of 3.0 FTE positions and $485,700 was eliminated as a result of the transfer of responsibilities.

The department was also responsible for inspection and regulation of petroleum, and underground petroleum storage tanks. This includes private heating oil tanks as well

as tanks at retail gas stations. Responsibilities, funding, rule-making authority and staff were transferred from DSPS to DATCP. This change also created efficiencies because DATCP already performed inspections at retail gas stations, as part of its regulation of weights and measures. Before the transfer, both agencies conducted inspections at gas stations. By combining the two functions, time was saved on the part of both the state and the regulated gas stations. A net total of 6.5 FTE positions and $405,700 was saved due to this transfer.

The following table shows the department's budget and total full-time equivalent positions (FTE) for the current and previous biennium.

Table 1: DSPS Budget

Budget Fiscal Year						
	2011-13 Biennium			2013-15 Biennium		
Fund Source	***2012***	***2013***	***FTE***	***2014***	***2015***	***FTE***
Program Revenue	$66,004,400	$66,254,400	302.3	$48,506,300	$48,774,400	261.6
GPR	2,413,200	2,413,200	1.0	2,412,300	2,412,300	1.0
Segregated Revenue	13,467,900	13,467,900	66.3	-	-	-
Total	**$81,885,500**	**$82,135,500**	**369.6**	**$50,918,600**	**$51,186,700**	**262.6**

Department of Agriculture, Trade and Consumer Protection

The Department of Agriculture, Trade and Consumer Protection (DATCP) works to assure a safe and secure food supply, healthy animals and plants; provide consumer protection; and ensure fair business practices. The department also works with partners in agriculture and business to ensure a vibrant agricultural sector and a clean environment.

The DATCP is a regulatory agency with jurisdiction over nearly all types of business, via consumer protection laws. The department has authority to adopt administrative rules that have the force of law. As a regulatory agency, the department seeks voluntary solutions, but it can use its enforcement authority when necessary. Statutes and administrative rules give DATCP the authority to conduct hearings and investigations, adopt rules, perform inspections, issue subpoenas, collect and analyze samples, issue compliance orders, and suspend or revoke licenses. In cooperation with a district attorney or the Department of Justice, DATCP may also prosecute law violations in court.

In addition to regulatory action, the department also provides services to consumers and businesses, and licenses over 100,000 individuals and businesses. Generally, DATCP licenses businesses more frequently than individuals.

Division of Food Safety

The Food Safety Division works to assure a safe, wholesome and secure food supply. The division enforces Wisconsin's food safety and labeling laws, licenses and inspects over 30,000 food establishments, and supervises local government inspection of others. Supermarkets fall under the jurisdiction of DATCP, while restaurants are inspected by the Department of Health Services. Both are inspected under the same regulatory regime.

The Food Safety Division regulates the entire food chain, from the agricultural producer to the consumer. That permits a comprehensive approach to food safety issues affecting producers, processors, distributors, retailers and consumers

Division of Trade and Consumer Protection

The Trade and Consumer Protection Division enforces consumer protection laws and rules, including jurisdiction over false sales or advertising claims and unfair business practices.

The division also enforces state weights and measures laws to ensure that consumers receive the advertised amount of the product they are purchasing. In doing so, the division tests commercial scales, gasoline pumps, price scanners and measuring devices, and enforces fair packaging and labeling requirements. According to national estimates, weights and measures enforcement saves the average family $600 per year.

Division of Animal Health

The Division of Animal Health is responsible for ensuring all livestock in the state meet state and federal health standards. This ensures human safety, as well as animal

safety, because serious animal diseases may impact humans. Additionally, the division licenses various livestock businesses such as animal markets, animal dealers, animal trucker's licenses, and dog shelters and breeders.

Division of Agricultural Resource Management

The Agricultural Resource Management Division works to ensure good stewardship and responsible use of Wisconsin's land, water and plant resources. The division is responsible for safeguarding the resources that support the food chain, in part by regulating pesticides and other agrichemicals to protect public health and the environment. When spills occur, the division works to clean up agrichemical spills. The division also provides the following services:

- Helps landowners and local governments conserve Wisconsin's productive land and water resources;
- Establishes standards for facility siting ordinances and helps preserve farmland threatened by unplanned development and sprawl;
- Helps prevent pollution of surface water; and
- Works to control serious pests that threaten Wisconsin crops, forests and plant communities.

Division of Agricultural Development

The Agricultural Development Division is responsible for fostering a vibrant Wisconsin agricultural economy, by supporting farmers and agricultural businesses in the state. This division is responsible for promoting value-added development and diversification of the agricultural sector, promoting local sale and consumption of Wisconsin products, and connecting Wisconsin products with export opportunities.

Relevant Budget Changes

The 2013-15 biennial budget transferred the Tank and Petroleum Testing Program from DSPS to DATCP. This included the transfer of 36.0 FTE positions as well as associated funding, rule-making and enforcement authority. The budget made other less significant changes to the agency as well, but this item is the largest change in agency responsibilities and staffing.

The following table shows the department's budget and total FTE positions for the current and previous biennium.

Table 2: DATCP Budget

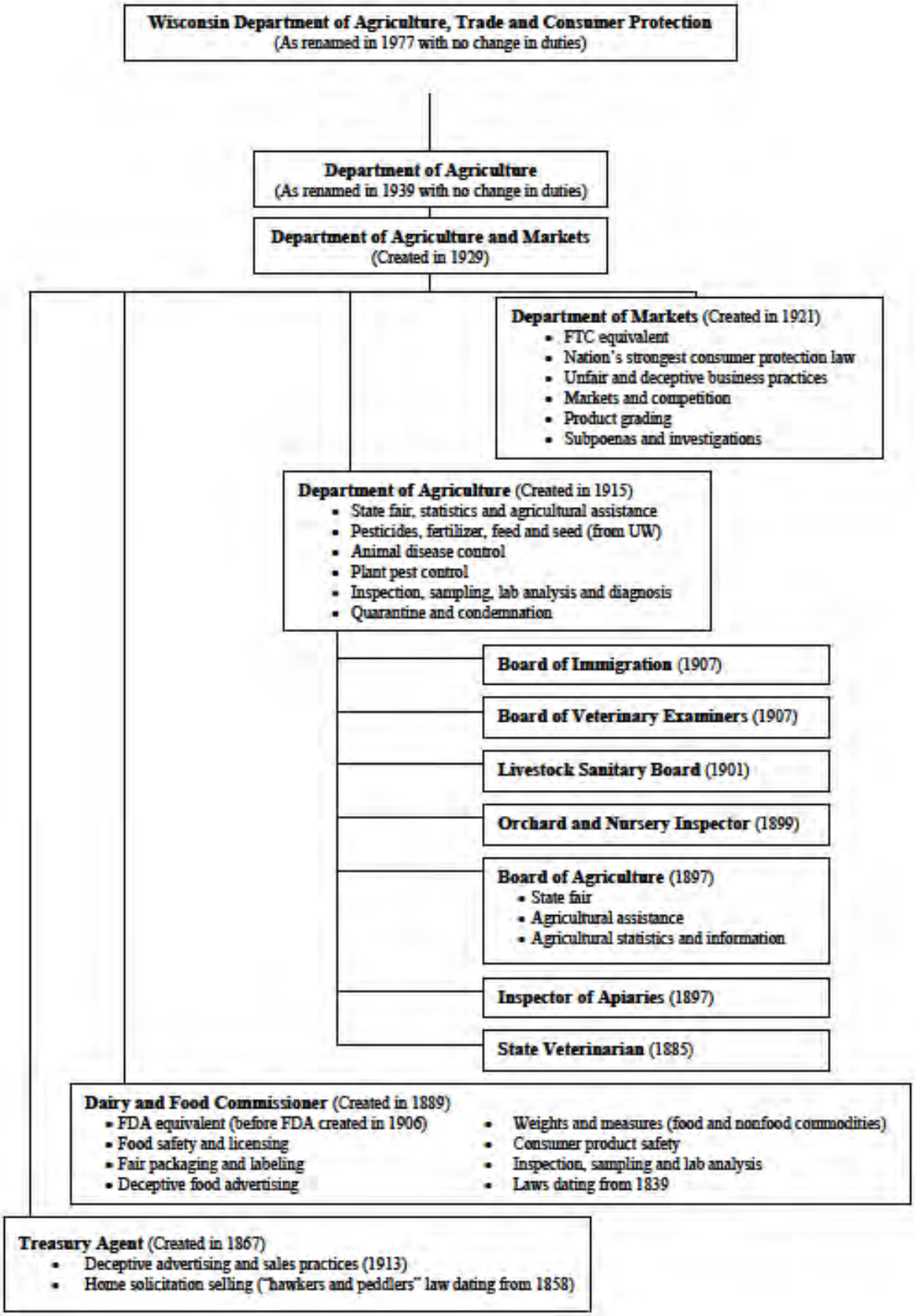
Budget Fiscal Year						
	2011-13 Biennium			2013-15 Biennium		
Fund Source	***2012***	***2013***	***FTE***	***2014***	***2015***	***FTE***
Program Revenue	$44,213,800	$44,389,200	283.6	$37,103,100	$37,048,700	283.6
GPR	26,612,300	28,375,900	210.0	26,878,900	26,488,800	211.0
Segregated Revenue	29,922,000	30,352,700	97.3	33,385,500	32,527,700	131.3
Total	**$100,748,100**	**$103,117,800**	**590.6**	**$97,367,500**	**$96,065,200**	**625.9**

Department History

The department formed in 1929 the direct descendent of the Department of Agriculture and Markets, formed in 1929 by combining the Department of Markets, the Department of Agriculture, the Treasury Agent and the Dairy and Food Commissioner. The agency has changed names twice since its inception, once to the Department of Agriculture in 1939 and again in 1977 to the current Department of Agriculture, Trade and Consumer Protection. However, the primary functions of the agency have not been modified with the name changes.

The agency has roots in laws that date before Wisconsin statehood and have strong ties to the state's agricultural history. The oldest of the laws were the initial consumer protection laws designed to ensure that agricultural products were of the advertised quality and quantity. These laws were enforced by the Treasury Agency. Food safety was also an early addition to the state's responsibilities, as the public demanded assurance that food was safe to eat. Early food safety laws were under the purview of the Dairy and Food Commissioner, created in 1889. The original Department of Agriculture was formed in 1915 from a combination of various boards with jurisdiction over agricultural products, animals and immigration. The following item shows the lineage of the agency:

Item 2: DATCP History



Part II: Public Involvement, Stakeholder Outreach and Agency Consultation

Survey Distribution and Methods

As a portion of the study, the Legislature required consultation with board members, stakeholders and the general public on issues related to consolidating the two departments. In an effort to efficiently and cost-effectively contact the largest number of stakeholders, an electronic survey was used. This survey was sent to impacted board members, stakeholder groups and individual license holders and was publicized via media outlets to attract a broad spectrum of public comment. More than 430,000 people were directly contacted with the survey.

The contact lists were generated by using an email list of DSPS license holders, email lists generated from the Office of Business Development interactions with Chambers of Commerce and economic development groups as well as business contacts throughout the state. The survey was also electronically distributed through over 350 DATCP- and DSPS- identified stakeholder groups with directions to forward the survey to group members.

Links to the on-line survey were sent to email addresses for all the license holders on file with DSPS, which totaled 428,954 emails. In addition to agency contacts, the survey was also distributed to members of the DATCP and DSPS attached boards, members of the Legislature, and via the Department of Administration Office of Business Development at various events and through Chambers of Commerce. The survey was also available to the general public via a Web site and was publicized through media outlets. Please see Appendix 2 for a copy of the email sent with the survey.

The survey itself was crafted by Department of Administration Staff, in consultation with policy analysts and reviewed by DSPS and DATCP. These questions and potential answers were then reviewed by survey experts within state government to ensure that the questions did not lead the respondents to a preferred response. Please see Appendix 3 for a copy of all survey questions as they were presented to survey respondents.

Survey respondents were asked basic demographic questions, and then asked about which state agencies they interacted with. The structure of the survey varied based on which agencies were listed. Respondents were then asked to rate various aspects of agency performance for the agencies they selected. If the respondents rated agency performance as poor or very poor, they were provided space to provide additional comments on the survey. After completing this section, all respondents were asked questions directly related to their opinions of a potential merger. At the end of the survey respondents were able to provide general open-ended responses.

Respondent Characteristics and Survey Highlights

The next section provides highlights and analysis of the survey results. For full results please see the Survey Methodology and Results document. The following table shows the total response by type of survey contact.

Table 3: Respondents by Source of Contact

Respondents by Source of Survey Contact		
Source of Contact	**Respondents**	**Percent of Total**
License Holders	23,438	93.9%
Office of Business Development Contacts	550	2.0%
DSPS Stakeholders	336	1.3%
Legislature	173	0.7%
Board and Councils	147	0.6%
DOA/Wisconsin Web site	128	0.5%
Other	177	0.2%
Grand Total	**24,949**	**100.0%**

As the table demonstrates, most of the respondents were professional license holders, although as seen below, DSPS stakeholders had the highest response rate. There were also significant responses from individuals that were directly contacted by the Office of Business Development and stakeholder groups contacted by DATCP. The following table shows respondents by the means of contact. See Appendix 6 for a complete list of stakeholder groups contacted.

Table 4: Respondents by Source of Contact

Respondents by Source of Survey Contact			
Source of Contact	**Surveys Distributed**	**Respondents**	**Response Rate**
License Holders	429,305	23,438	5.5%
Office of Business Development Contacts	1,596	550	34.5%
Other – Known Number Surveys Sent	3,214	463	14.4%
Other – Unknown Number of Possible Respondents	N/A	498	N/A

The following table shows the breakdown of respondents by their professions based on DSPS licensee categories, as self-identified by the respondents. Health professions are the best represented group and include doctors, nurses, pharmacists, dentists, dental hygienists, as well as social workers and other therapists. The next largest group did not identify a profession; however the majority of these respondents were also license holders. Some respondents identified combinations of multiple professions.

Table 5: Respondents by Profession

Respondents by Profession Profession	Respondents	Percent of Total
Health Professions	9,838	39.4%
No Response	7,451	29.9%
Business Professions	5,194	20.8%
Trades Professions	1,920	7.7%
Manufactured Housing	21	0.1%
Mixed Martial Arts/Boxing	14	0.1%
Subtotal	*24,438*	*98.0%*
Multiple Professions Identified/Multiple License Holder		
Business Professions; Trades Professions	210	0.8%
Health Professions; Business Professions	187	0.7%
Health Professions; Trades Professions	61	0.2%
Health Professions; Business Professions; Trades	28	0.1%
Subtotal	511	2.1%
Grand Total	***24,949***	***100.0%***

Please see Appendix 4 for full demographic information of the respondents.

Responses to the survey provided insight into three primary questions related to the appropriateness of the potential merger of the two agencies:

- How often are individuals customers of the Department of Safety and Professional Services, and the Department of Agriculture, Trade and Consumer Protection?
- Do agency customers see a need for a merger?
- Can a merger be recommended on the basis of poor performance on the part of either agency?

The following sections provide detail on how these questions are answered, based on responses to the survey.

Agency Contact Overlap

If large numbers of agency customers deal with both agencies, there would be a significant reason to combine the two. A merger would reduce the number of agencies contacted by an individual or business owner, potentially saving time and effort spent contacting multiple agencies.

Frequent contact with both agencies by customers would also indicate that the potential for agency operational efficiencies by combining the two agencies exists, by allowing the same staff to perform more than one function. For example, prior to the 2013-15 biennial budget request, the agencies determined that both DSPS and DATCP were sending inspectors to gas stations to inspect fuel quality and to ensure the

accuracy of fuel pumps. Combining these functions at DATCP allowed inspections to occupy less of a business's time and allowed for efficiencies for the state. The following table shows the number of respondents that listed both DSPS and DATCP as agencies they contact in the course of doing business.

Table 6: Agency Overlap

To do business in Wisconsin, I have contact with the following agencies:	**Respondents**	**Percent of Respondents**
Contact both DSPS and DATCP to do business	830	3.3%
Contacts with DSPS, DATCP and other agencies to do business	613	2.5%
Total	*1,443*	*5.8%*
Total Respondents	24,949	100.0%

Only 5.8 percent of respondents indicated that they did business with both DSPS and DATCP, with 2.5 percent of those respondents listing at least one additional agency. This indicates that there is limited overlap between customer bases for the two agencies. Additionally, there was limited overlap between either agency or any other agencies in state government. The most frequently mentioned additional agency, linked with DSPS was the Department of Health Services, followed by the Department of Natural Resources. The most frequently mentioned combination of agencies with DATCP was the Department of Natural Resources. See Appendix 5 for tables detailing full results.

Other agencies were frequently mentioned, but in unique combinations or combinations that corresponded with few other respondents. The most frequently mentioned agency was the Department of Health Services, followed by the Department of Revenue and the Department of Natural Resources. The following table shows how frequently other departments were mentioned by survey respondents.

Table 7: Departments Listed – Other than DATCP or DSPS

Department	**Responses**
Health Services	1,344
Revenue	1,236
Natural Resources	1,115
Workforce Development	1,015
Financial Institutions	770
Other	548
Children and Families	432
Office of the Commissioner of Insurance	390
Public Instruction	331

Given the limited overlap between customers of both agencies, it is unlikely that there would be significant savings of time and effort on the part of the public if the agencies were combined. Additionally, these results indicate that there are likely limited operational efficiencies to be gained from combining the two agencies. These conclusions are corroborated by consultation with department staff, which indicated limited overlap among agency functions.

Respondent Views on a Potential Merger

The second question addressed by the survey relates to how directly impacted stakeholders viewed the possibility of merging the two agencies. Though licensees and board members may not have a strong sense of internal agency operations, they are among the best gauges of the amount of focus they receive from an agency. By asking them directly their opinions of a merger, the respondents indicate whether a new, combined agency would serve their interests.

Generally, survey respondents were opposed to a potential merger. Of those that provided a response to the question "If no savings were found from a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would you support the general concept of consolidation?" only 15.7% of respondents responded "Probably Yes" or "Definitely Yes." The following table shows the responses to the question, excluding 4,375 blank responses.

Table 8: Consolidation Responses

If no savings were found from a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would you support the general concept of consolidation? **Excludes respondents that did not respond to the question**		
Definitely Yes	873	4.2%
Probably Yes	2,364	11.5%
Not Sure	3,532	17.2%
Probably No	6,614	32.2%
Definitely No	7,191	35.0%
Total Respondents	**20,574**	**100.00%**

By stating that the respondents should decide if the agencies should be combined, absent of savings, the survey question gives a sense of whether agency customers feel they would see better service or have an easier time receiving the services they need from an agency if DSPS and DATCP were combined. Another question looked directly at service expectations in the event of a merger. The following table shows responses to the question "How do you believe a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would affect the services to you as a license holder?" This table excludes 4,430 blank responses.

Table 9: Evaluation of Services

How do you believe a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would affect the services to you as a license holder?		
Excludes respondents that did not respond to the question		
Greatly improve service	192	0.9%
Improve service somewhat	760	3.7%
Not sure	8,308	40.5%
Reduce service somewhat	6,270	30.6%
Greatly reduce service	4,989	24.3%
Total Respondents	**20,519**	**100.0%**

Only 4.6 percent of respondents felt that merging the two agencies would improve services. This again indicates that the most directly impacted customers of the agencies do not see a potential for improved services between the two agencies.

The following table shows respondent concern that a combined agency would lose focus on the individual functions of the two predecessor agencies. This concern was echoed in stakeholder contacts and discussions with agency staff. Specifically, the agricultural industry expressed concern that a merger would move focus from agriculture issues.

Table 10: Agency Focus

If Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection were consolidated how do you think the focus of the new agency might change the current functions such as agriculture, food safety, consumer protection, building plan review and professional licensing?		
Excludes surveys that did not respond to the question		
Increase focus	749	3.6%
Stay the same	2,981	14.5%
Reduce focus	12,487	60.7%
Unsure	4,364	21.2%
Total Respondents	**20,581**	**100%**

Respondents were also given the opportunity to make additional comments at the end of the survey. These open-ended responses tended to relate to opinions about the potential for a merger, given the order in which the questions were asked. There were a total of 3,886 comments given in this space. These comments were categorized into seven categories.

Table 11: Comment Categories

Type of Comment	Respondents	Percentage
Pro-consolidation	332	8.5%
Anti-consolidation	1,877	48.3%
Increase Resources for Agency Functions	69	1.8%
Comments related to board responsiveness or operations	64	1.6%
Continuing Education Related Comments	109	2.8%
General Agency Complaints	271	7.0%
Other Comments	1,164	30.0%
Total	3,886	100.0%

The comments generally mirrored the sentiment of the general survey response, with the majority opposing the merger, with some supporting it. The arguments put forward in the comments provide insight into what respondents considered important.

Comments suggesting the agencies remain separate were primarily concerned with the two agencies having disparate functions, with the potential for a loss of agency focus on one function or the other. Some examples of comments opposing a merger:

> *"The two departments have totally different focuses. I do not believe the public's safety and concerns would be properly protected if these departments were combined!"*
>
> *"The idea of consolidating too much causes more conflict and the chance of things backing up because [there] is too much of a work load and/or mixing things up. These departments do not seem to even correlate."*

Generally, those in favor of a merger cited potential cost and efficiency improvements as reasons for the combination of the two agencies. Some examples of comments supporting a merger:

> *"Any consolidations should save tax dollars and we should EXPECT services to be [consistent] regardless of the structure. It should not be an either or. Expect results from all agencies."*
>
> *"Consolidation should help to save on [personnel] and building overhead. Many businesses in WI have consolidated various [departments] to accommodate for lower income levels, the services provided to the state can do the same if there is a cost saving to be appreciate[d.]"*

The arguments made by commenters against a merger were also common when talking to stakeholder groups and agency staff, detailed later. Comments in favor of the merger assume savings, but given the limited overlap in agency responsibilities, these savings are limited, as examined in a later section of the study.

To summarize the public response to questions about a potential merger, respondents were generally opposed to merging the two agencies for two primary reasons. First, they did not expect improvement in the service provided to them in the event of a

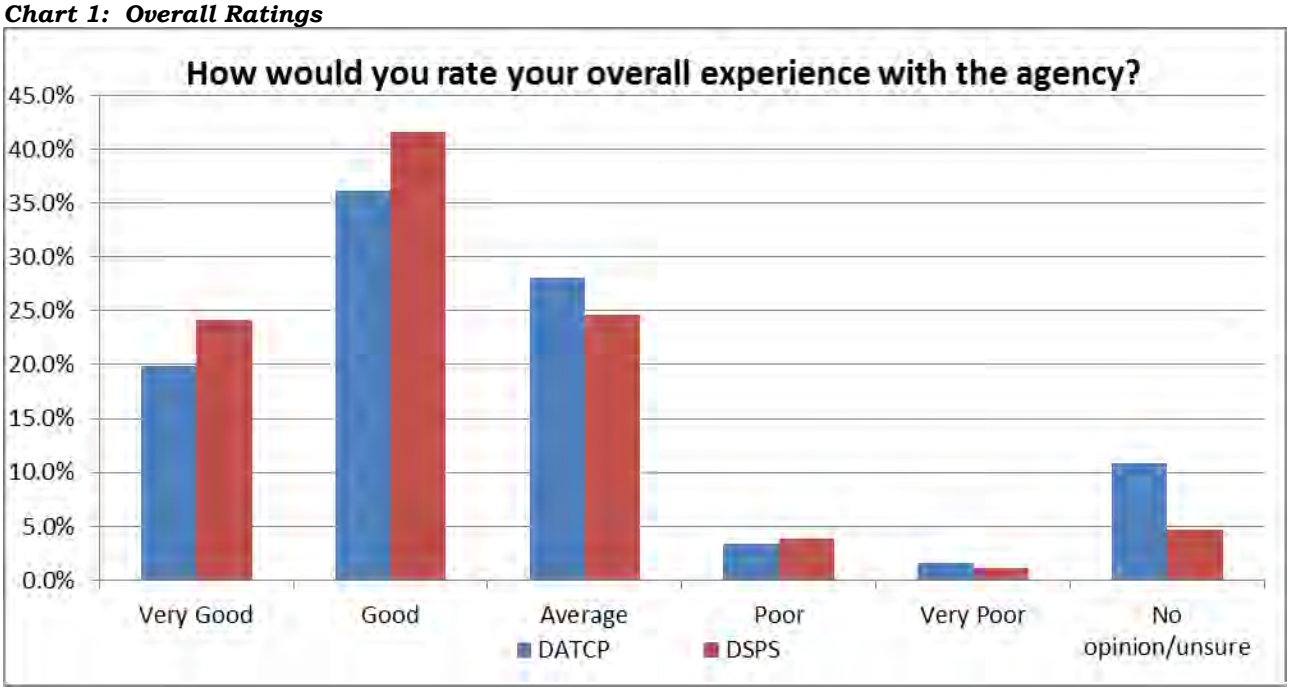
merger. Second, there is an expectation that the newly created agency would lose focus on the individual functions currently assigned to DSPS and DATCP.

Overall Performance Evaluation

Surveying agency customers about the overall performance of the agency gives insight into overall customer service quality. This provides an answer to the third question: Can a merger be recommended on the basis of poor performance on the part of either agency?

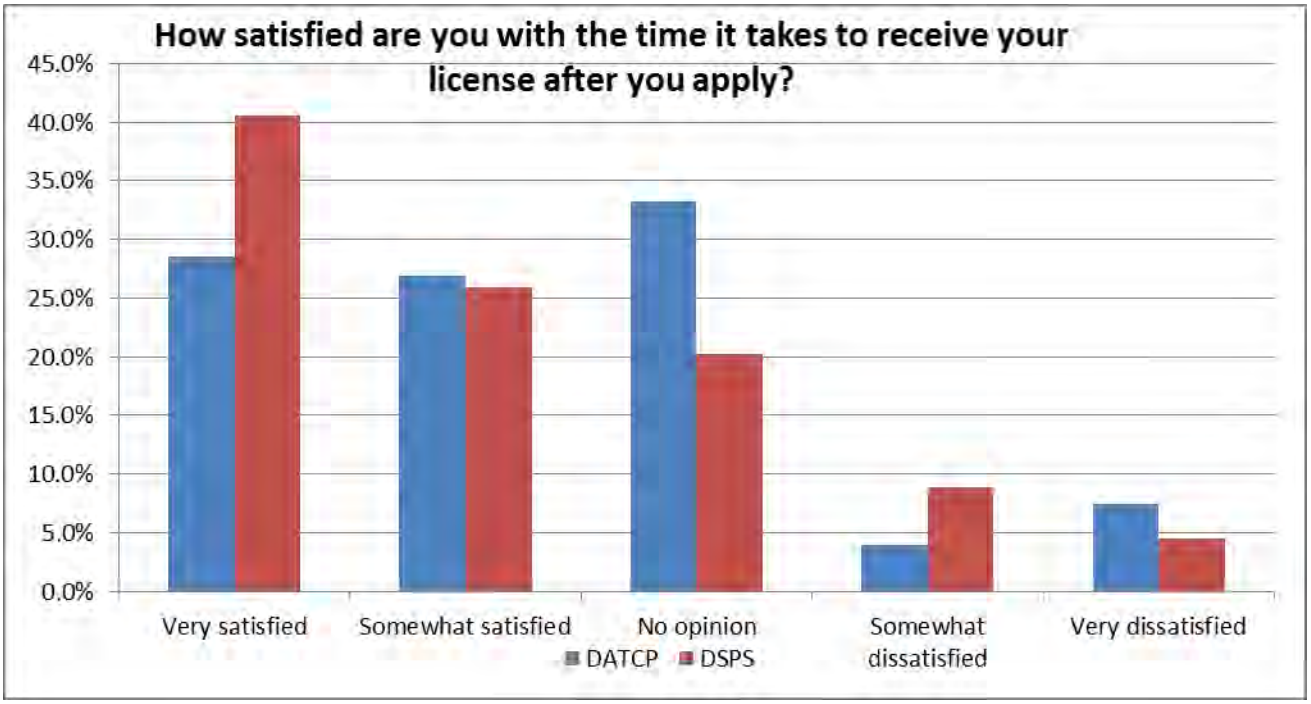
The following charts show the overall performance evaluation of two agencies: DSPS, DATCP. The following chart shows the responses to the question "How would you rate your overall experience with the agency?"

Chart 1: Overall Ratings



A total of 16,465 respondents expressed an opinion about DSPS's overall performance, with 1,555 respondents rating DATCP. Respondents expressed a relatively high overall rating of DATCP and DSPS. Respondents even had a relatively positive view of specific agency services such as the time that licenses are delivered after application. The following chart shows the responses to the question "How satisfied are you with the time it takes to receive your license after you apply?"

Chart 2: Response Time Satisfaction



In response to this question, 16,006 respondents expressed an opinion about DSPS's license response time, with 1,351 respondents rating DATCP. Generally, respondents were relatively satisfied with the service provided by the agencies. However, one area where there was less satisfaction was with the value provided by the licenses offered by DSPS. The following table shows that more than a quarter of respondents felt that they receive either minimal value or no value from the license provided by DSPS.

Table 12: License Value - DSPS

How much value do you believe there is relative to fees paid to be a DSPS license holder?		
Good Value	3,790	23.3%
Some Value	4,502	27.7%
Not Sure	3,722	22.9%
Minimal Value	3,516	21.6%
No Value	726	4.5%
Total Respondents	**16,256**	**100%**

Because of the general level of satisfaction of the two agencies' customers, making drastic changes to operations is inappropriate at this time. Organizational changes may disrupt service and confuse customers, reducing a relatively high level of service. However, an examination of the practice of licensing professionals may be appropriate, given perceived value of the license.

Agency and Stakeholder Group Contact

The Legislature required that the study consult with both impacted stakeholders and agency staff. The survey provided a broad base of contact with stakeholders. However, some stakeholder groups chose to respond directly. One such contact was a

letter from a large number of representative groups from the agriculture industry. This letter expressed concerns with the potential for a merger, based around the potential for one combined agency to lose focus on agricultural issues in the face of the increased agency responsibilities. Another stakeholder contact, with a representative for the Veterinary Medical Association, indicated that its primary concerns with DSPS were related to ensuring that board meetings were consistently staffed and run smoothly. This group also formally requested that the Veterinary Board be moved from DSPS to DATCP. However, generally impacted groups were not strongly in favor of a merger of the two agencies. Please see appendices 7,8 and 9 for direct contact letters from stakeholder groups.

When meeting with agency leadership and staff, the recurring theme was the limited overlap between the two agencies' customers. Very rarely did either DSPS or DATCP indicate that they worked closely with the other agency, or referred customers to the other agency. Given the limited overlap, those consulted at the two agencies did not think that bolting one agency onto the other made sense, in terms of either creating internal efficiencies or improving customer service.

Part III: Fiscal Impact and Operational Issues of a Merger

After examining the operations of the two agencies included in the study, the fiscal savings from a potential merger would be limited. Each agency has significant field staff performing very different missions. Because of the varied nature of functions contained both within each agency and between the two agencies, most savings would be generated by eliminating executive unclassified positions and administrative positions.

There is no expected savings from combining the two agencies in terms of space costs, and no expected moving costs, since neither agency could be accommodated within the existing spaces available to either agency. If it was determined that all agency staff should be housed at one location, significant and costly expansion would be required of either the existing DSPS or DATCP facilities. Detailed cost estimates would need to be prepared at the time of the potential merger.

The largest portion of the savings would come from eliminating one set of executive unclassified staff for one of the agencies, including a secretary, deputy secretary, communications officer, assistant deputy secretary, chief legal counsel and a division administrator. The following table shows the expected savings from eliminating unclassified positions.

Table 13: Executive Staffing Savings

Position	FTE	Salary	Fringe Benefits	Total
Secretary	1.0	$110,000	$50,000	$160,000
Deputy Secretary	1.0	100,000	40,000	140,000
Assistant Deputy Secretary	1.0	100,000	40,000	140,000
Subtotal	*6.0*	*$310,000*	*$130,000*	*$440,000*

Three additional statutory positions, a Communications Director, Chief Legal Counsel and Division administrator positions could be eliminated. However, the duties performed by these positions would still be required. Completing these duties would create the need for additional management or operational staff, mitigating the savings created by elimination of executive staff.

Additional appropriation reductions could be realized by eliminating administrative positions in each agency, specifically in the agencies' human resources and budget areas. Though the new agency would warrant larger staffing in these areas, the positions identified for elimination are positions that have been vacant for an extended period. The following table shows potential savings from the elimination of the administrative staff positions.

Table 14: Administrative Staffing Savings – Vacant Positions

Position	FTE	Salary	Fringe	Total
Human Resources Manager	1.0	$100,000	$40,000	$140,000
Budget and Policy Analyst	1.0	50,000	20,000	70,000
Subtotal		*$150,000*	*$60,000*	*$210,000*

Since these positions are vacant, expenditure savings are currently occurring and as a result eliminating them would not generate new savings. Additionally, these positions may be eliminated in response to 2013-15 biennial budget provision requiring the elimination of 450.0 FTE positions across state government, before a merger could take place. Therefore, while eliminating the positions would reduce budgeted appropriations, it may not result in a net reduction in expenditures.

Together, expected staff savings would equal $610,000 annually, which is the equivalent of 0.2 percent of the combined agency budgets. However, a portion of these savings would be offset by costs related to merging the two agencies. Given the limited operational overlap between the agencies, the primary cost would be related to design of the new agency's Web site to incorporate the two different functions. This is estimated at $40,000, which reduces potential savings generated from the merger.

A merger would also generate additional costs related to updating administrative code of the existing agencies, in order to ensure statutory and agency references were up-to-date. All agency forms and licenses would also need to be updated. While agency costs to make these updates may be limited, the cost to comply with state regulations would increase for the public.

Administrative and Policy Concerns

In addition to the limited savings generated from the merger, there are significant administrative and policy concerns about a potential merger. A combined agency would only have one set of executive officers. A review of the two secretaries' schedules indicates that accommodating all meetings with agency customers and industry representatives would be very difficult. This could potentially be alleviated by creating an additional deputy secretary position, which would further limit the savings generated by a merger.

Another major issue would be determining the authority that the existing DATCP board would have over the examining and advisory boards attached to DSPS. Currently, the DATCP board has the ability to review and approve or alter any administrative rules that come out of DATCP. If this structure was retained, the DATCP board would have jurisdiction to review any rules made by the Medical Examining Board or any other board attached to DSPS. The DATCP board does not have representation or expertise in most of the areas regulated by the DSPS boards. The DATCP board could be increased in size to accommodate representation for each of the new industry areas. However, determining representation on this board would be difficult, and accommodating representation from each DSPS board would make the DATCP board difficult to manage and potentially ineffective. This could be

resolved by eliminating DATCP board oversight over portions of the new agency, which would undermine the case for a combined agency.

Part IV: Conclusions and Recommendations

After consulting with the public via the survey, stakeholders, administrative and executive staff in both agencies and analyzing the potential for savings in both agencies as the result of a merger, this study recommends against combining the two agencies. The potential savings generated and unknown costs do not justify the potential disruption in service and confusion among stakeholders. Furthermore, given the limited overlap between the two agencies, it is unlikely that bolting one agency to the other will provide for enhanced efficiency and customer service for any of the agencies' customers. However, examining each agency did show ongoing attempts to improve customer service and operations at both agencies, as well as potential new initiatives.

In response to the request from the Wisconsin Veterinary Medical Association, the Veterinary Examining Board should be moved to DATCP. Additionally, all enforcement functions related to enforcement of the practice of veterinary medicine should be moved to DATCP. This change is feasible because historical relationship between the Veterinary Board and DATCP, as well as the close relationship between the veterinary profession and the agency. The department has significant expertise in the veterinary field, and the DATCP board has members that are familiar with animal health issues.

One area of emphasis related to DSPS service was an improvement of board meeting staffing functions. After examining the agency operations and stakeholder opinions, it appears that some boards function well, while others may be improved or potentially eliminated. The department should institute a system of training on board powers, functions and the rule-making process for both board members and board staff, which would improve the effectiveness of the staff. As part of this process, DSPS should work with other agencies, including the Department of Natural Resources, that have attached boards to determine best practices for board staffing.

Due to reduced lapse assumptions, DSPS should reexamine the fee structure via a fee study that is reviewed by the Joint Committee on Finance, with current lapse assumptions. The new review of fees should take into account all options to potentially reduce the cost of compliance for businesses, including reducing fees and lengthening the period for which a license is valid.

The study recommends that a comprehensive examination of existing examining and advisory boards should occur, in consultation with the impacted licensees, board members and professional organizations to standardize board practices, meeting schedules and actions on potential licenses. Further, given the differences in opinion among license holders about the value of their license, it may be reasonable to conduct a review of professional licensing generally to determine how to best ensure continued excellence in professional services in the state.

Both DATCP and DSPS are in the process of creating an electronic document and contact management system. At DATCP, this system will allow businesses that must hold multiple permits, for example separate permits to operate a dairy, haul milk and sell cattle, to have one record on file for all of the permits, instead of a separate, paper record for each permit. This will save permit holders time and effort in renewing and acquiring new permits. Additionally, this will allow DATCP staff to focus less on paper

processing and more on direct customer service. Given the difficulty of distributing the survey tool used in this study, and the poor response rate from DATCP licensees, there is clearly room for improvement in terms of electronic communications at the department.

A similar data management project is underway at DSPS, which will aid in further automating the licensing process. The process for licensing at DSPS is already Internet-based, but this project will work to streamline the licensing process and improve document management. Improved document management will allow for easier access to board materials and other important department communications by the public. The two agencies should continue on the path of automation and should consult with each other, other state agencies and the private sector to determine best practices in establishing a new content management software suite.

Over 380,000 individuals are licensed by DSPS in order to work in their chosen profession. Additionally, DSPS reviews the plans of most commercial buildings constructed in the state. This makes the agency one of the primary points of contact for these citizens and others that choose to do business in the state, on par with an organization like the Division of Motor Vehicles in the Department of Transportation. Contact with such agencies is often where individuals form their overall opinion of government effectiveness and efficiency.

Working to improve the customer experience with DSPS should be a top priority. This can be achieved by instituting a strategic planning program at DSPS and developing performance measures for the agency, with input from staff and stakeholders to significantly improve agency function and customer service. In addition, the State Controller's Office is conducting a fiscal audit of DSPS. Any recommendations from this report about financial policies and procedures should be examined to improve internal financial processes.

Finally, the agency presents opportunities for process streamlining through the creation of a Six Sigma/LEAN Government program. DATCP has instituted a Six Sigma program and has made significant process improvements. Customer service and agency efficiency may also benefit from an outside review of operational and leadership practices from an operational consultant. The following table outlines some of the existing LEAN Government initiatives currently underway at the two agencies.

Table 15: Current LEAN Government Initiatives

Agency	Project	Goals, Results and Recommendations
DATCP	Out of State Travel Authorization	• Redesign process flow to move finance notification to end of process. • Provide documentation of the process, and instructions for appeal of denied requests. • Enhance electronic submittal process, currently in use in one division, to provide departmentwide service.
DATCP	Division of Food Safety Dissemination of Lab Results/ Agricultural Resource Management Dissemination of Lab Results	• Scan lab analysis report upon printing and email a .pdf version of the report to appropriate field staff. • Set up a system through GovDelivery to generate automated messages for field inspectors. • Encourage greater use of electronic database containing lab results. • Print lab reports for archival purposes, but also stored as image in special drive as a pdf file.
DATCP	Feed Sampling in the Bureau of Agrichemical Management	• Determine the appropriate number of surveillance feed samples to collect each year. • Develop standard procedures and guidance to ensure the appropriate number of surveillance feed samples are collected each year. • Increase, by a minimum of 200%, the number of surveillance feed samples collected in 2013 over those collected in 2012.
DATCP	SWRM cost-share transfers: Simplifying routine approvals	• Identify more efficient ways to process this routine transaction. • Reduce reliance on paper documentation. • Reduce workload for frontline staff.
DATCP	Division of Ag Resource Management - The Staff Trackers	• Information is collected in a timely and efficient manner. • Eliminate redundancy where it is found. • Reduce collection of inaccurate information.

DATCP	Bureau of Labs - Records Storage and Retrieval	• Determine the deficiencies of the current system and propose resolutions. • Define a systematic, efficient and applicable method for categorizing the records and documents. • Design a uniform and systematic nomenclature to be used for storage and retrieval of the records. • Provide sufficient directions to the BLS staff to organize, label their documents to be delivered for storage including the delivery location.
DATCP	Bulk Milk Weigher and Sampler Program	• Revise the Bulk Milk Weigher and Sampler (BMWS) licensing process to reduce cost for BMWS exam proctoring and field evaluations. • Ensure all BMWS license applicants receive an exam and licensing inspection before issuance of a temporary BMWS license. • Streamline the licensing process to increase external and internal customer satisfaction. • Improve Grade A dairy plant survey results by reducing the number of temporary BMWS licensees, licensed BMWS, and Appendix N samplers who are not inspected within the required period.
DATCP	Establish a consistent renewal process for registrations, certifications and licenses	• Standardize the process followed by program staff when reviewing applications for renewal of registrations, certifications and licenses. • Establish and measure baseline expectations for processing applications. • Reduce the amount of time required to renew a registration, certification or license. • Reduce the number of mistakes when verifying required information.
DSPS	Employee Training	• Improve process for training and approvals.

DSPS	Complaint Intake/Screening and Monitoring PAP Processes	• To increase staff productivity and capacity through the improvement of the intake/screening, monitoring/PAP and records process. • Processes have been streamlined and workloads appear to be balancing. A review/audit will be done by May 31, 2013 to assess the success of the project.
DSPS	Paperless Office - Phase 1	• Promote operational effectiveness, a productive use of space, simplified processes and maximize staff resources. • Eliminated 214 file cabinets, 18 bookcases, 144 feet of open shelving.
DSPS	Practice Question Procedure	• Clarify the department's role as a regulatory agency and ensure that all documents interpreting statutes are identified. • A new process for receiving and responding to professional practice questions was put in place.
DSPS	Electronic Plan Review - Phase 2	• Improve the electronic plan review process through an analysis of current processes, procedures and tools.
DSPS	Case Resolution	• Increase stakeholder satisfaction through the improvement of the case resolution process within the Division of Legal Services and Compliance. • Achieved by target date and maintained consistency (52% reduction in pending caseload).
DSPS	Complaint Intake and Screening Process	• Improve operational efficiency and stakeholder satisfaction through the centralization of complaint processing into the Division of Legal Services and Compliance.
DSPS	Document Consistency	• Increase staff productivity, reduce errors, and create consistency in the production of documents by creating quality review processes and forms. • Resulted in a much more comprehensive, review of legal work product along with a reduction in errors. • Reduction in rejected proposed resolutions by professional boards.

Appendix 1: Statutory Charge

2013 Wisconsin Act 20, Section 9101(3s): Study concerning consolidation of the departments of safety and professional services and agriculture, trade and consumer protection.

(a) The department of administration shall conduct a study concerning the consolidation of the functions currently being performed by the departments of safety and professional services and agriculture, trade and consumer protection under a single new agency in the executive branch of state government, to be named the department of agriculture, regulation, and trade.

(b) In conducting the study under paragraph (a), the department of administration shall consult with the departments of safety and professional services and agriculture, trade and consumer protection and with the boards and councils attached to or under those agencies.

(c) In conducting the study under paragraph (a), the department of administration shall consult members of the public who may be affected by the consolidation of the departments of safety and professional services and agriculture, trade and consumer protection and the creation of the department of agriculture, regulation, and trade.

(d) No later than January 1, 2014, the department of administration shall submit a report of its findings from the study conducted under paragraph (a) to the joint committee on finance and, in the manner provided under section 13.172 (3) of the statutes, to the appropriate standing committees of the legislature. That report shall set forth the department of administration's recommendations concerning the proposed consolidation described under paragraph (a). If the department recommends consolidation, the report shall include the department's recommendations concerning all of the following:

1. The organizational structure, programmatic functions, and performance objectives of the department of agriculture, regulation, and trade.

2. Any reduction in staff that may be accomplished as a result of the consolidation of the departments of safety and professional services and agriculture, trade and consumer protection.

3. Any board or council that may be eliminated as a result of the consolidation of the departments of safety and professional services and agriculture, trade and consumer protection.

4. Any adjustment to credentialing fees that may be appropriate and the capability of revenue from credentialing fees to support the operations of the department of agriculture, regulation, and trade.

5. Any function of or program under the departments of safety and professional services and agriculture, trade and consumer protection that should be transferred to an agency other than the newly created department of agriculture, regulation, and trade.

6. Any way to improve the services to be provided by the department of agriculture, regulation, and trade.

(e) If the department of administration recommends consolidation in its report under paragraph (d), the department shall also submit with that report draft legislation that implements, effective July 1, 2015, the department's recommendations made in the report.

Appendix 2: Copy of Generic Outreach Email sent to Survey Respondents

Good morning,

We are contacting you today as we would appreciate your feedback (including feedback from your organizations board and members) about possibly merging the Department of Safety and Professional Services (DSPS) and the Department of Agriculture, Trade and Consumer Protection (DATCP). Your input about how this consolidation may impact you is very valuable to us.

The 2013-15 state budget calls for a study about consolidating these two agencies. DSPS manages the licensing and regulation of professions in health, business and construction trades. They also oversee state building safety codes and provide services related to plan review, permit issuance, building and component inspection, and safety codes. DATCP is responsible for the promotion and regulation of Wisconsin's agriculture industry, including Agriculture Resource Management and Animal Health, as well as the oversight of food safety and consumer protection.

We ask that you complete the survey and forward this email to your members for their response so we can better understand how a potential consolidation may affect you. Your answers and contact information will be kept confidential and will not be used outside of the scope of this survey. All survey results will be tallied for any reporting purposes.

TAKE THE SURVEY – your answers will be kept confidential

Thank you in advance for your participation and input.
Office of Business Development

Note: throughout the survey, you will see the term 'license' which refers to any license, credential, certification, registration or permit. Please view the term to mean the document a state agency issues as a requirement to do business, perform an occupation or specific work activity in the State of Wisconsin.

Appendix 3: Survey Questions

Page 1

State Agency Involvement

My primary purpose for contact with an agency is: Select at least 1 and no more than 6.

- ☐ Obtain or renew an occupational license
- ☐ Register my business
- ☐ Obtain a permit for a specific activity
- ☐ I am a member of a Board or Council affiliated with an Agency
- ☐ I am a Representative of a Trade Association with interests to an Agency
- ☐ Other with significant Agency contact
- ☐ None of the Above

Page 2

Background Information

In which county do you reside?

-- None --

To do business in Wisconsin, I have contact with the following agencies: Select at least 1 and no more than 3.

- ☐ Department of Safety and Professional Services (DSPS)
- ☐ Department of Agriculture, Trade and Consumer Protection (DATCP)
- ☐ Other agencies
- ☐ None

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Additional Agencies

Select additional agencies Select no more than 5.

- ☐ Children and Families, Department of
- ☐ Financial Institutions, Department of
- ☐ Health Services, Department of
- ☐ Insurance, Office of the Commissioner of
- ☐ Natural Resources, Department of

- [ ] Public Instruction, Department of
- [ ] Revenue, Department of
- [ ] Workforce Development, Department of
- [ ] Not on list, please specify

Enter Department Name

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Employee Count

In which county is your business located?

-- None --

How many full time people do you employ?

How many part time people do you employ?

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Profession or Industry

What best represents your profession or industry sector

- [ ] Health Professions
- [ ] Business Professions
- [ ] Trades Professions
- [ ] Manufactured Housing
- [ ] Mixed Martial Arts/Boxing

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Trade Professions

Select category.

- [ ] Fire Sprinkler
- [ ] Blasting
- [ ] Dwellings, Structures, Sites
- [ ] Conveyance
- [ ] Mechanical
- [ ] Electrical

☐ Plumbing ☐ Inspection

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Agriculture/Food Industry Professions

Select license

- ☐ No license or permit required
- ☐ Animal Control Facility (eff. 6/1/2011)
- ☐ Animal Dealer License
- ☐ Animal Food Processor License
- ☐ Animal Import Permit (certain animals)
- ☐ Animal Market License
- ☐ Animal Shelter (eff. 6/1/2011)
- ☐ Animal Transport Vehicle (animal dealers, markets and truckers)
- ☐ Animal Trucker License
- ☐ Animals Diseased; Permit to Move
- ☐ Apiary Inspection Certificate; Interstate Movement
- ☐ Bulk Milk Tanker; Grade A Permit
- ☐ Bulk Milk Tanker; License to Operate
- ☐ Bulk Milk Weigher and Sampler License
- ☐ Butter Grader License
- ☐ Buttermaker License
- ☐ Cattle and Bison; Import Permit
- ☐ Cattle/Goats; Johne's Disease Herd Classification
- ☐ Cattle; Burcellosis-Free Herd Certification
- ☐ Cattle; Johne's Disease Vaccination Approval
- ☐ Cattle; Tuberculosis-Free Herd Certificate
- ☐ Cheese Grader License
- ☐ Cheese Logo (Wisconsin); Permit to Use
- ☐ Cheesemaker License
- ☐ Christmas Tree Grower License
- ☐ Dairy Farm; Grade A Permit
- ☐ Dairy Farm; Milk Producer License
- ☐ Dairy Plant - Grade A BMT Cleaning Facility
- ☐ Dairy Plant License

- ☐ Dairy Plant; Grade A Permit
- ☐ Dating Service
- ☐ Dead Animal Collector License
- ☐ Dead Animals; Carcass Dealer Registration
- ☐ Dead Animals; Transport Vehicle Permit
- ☐ Deer and Elk (Farm-Raised); Brucellosis Free Herd
- ☐ Deer and Elk (Farm-Raised); CWD Herd Status Program
- ☐ Deer and Elk (Farm-Raised); Herd Registration
- ☐ Deer and Elk (Farm-Raised); Hunting Preserve Registration Certificate
- ☐ Deer and Elk (Farm-Raised); TB Accredited Free Certification
- ☐ Deer and Elk (Farm-Raised); TB Qualified Herd Certification
- ☐ Deer and Elk; Import Permit
- ☐ Dog Breeder (eff. 6/1/2011)
- ☐ Dog Breeding Facility (eff. 6/1/2011)
- ☐ Dog Dealer (eff. 6/1/2010)
- ☐ Dog Dealer; Out-of-State (eff. 6/1/2011)
- ☐ Equine Quarantine Station; Permit
- ☐ Feed (Commercial); License to Manufacture or Distrubute
- ☐ Feedlot (Approved Import Feedlot); Permit
- ☐ Fertilizer Product <24% NPK; Permit
- ☐ Fertilizer; License to Manufacture or Distribute
- ☐ Fish Farm Registration
- ☐ Fish Import Permit
- ☐ Fitness Center
- ☐ Food Marketing Permit (temporary permit for non-conforming label)
- ☐ Food or Farm Product Grader; License
- ☐ Food Processing Plant License (Wholesale)
- ☐ Food Retail Inspection; Agent County or Municipality
- ☐ Food Retail License
- ☐ Food Warehouse License
- ☐ Fur Farm
- ☐ Future Service Plan (Buyers Club)
- ☐ Ginseng Grower and Dealer Registration
- ☐ Goats; Burcellosis-Free Herd Certificate
- ☐ Goats; Tuberculosis-Free Herd Certificate
- ☐ Grain Dealer License

- ☐ Grain Warehouse Keeper License
- ☐ Grease Processor License
- ☐ Honey Producer - Certified
- ☐ Humane Officer Certification
- ☐ Industry Bulk Milk Truck / Tanker Inspector - Appointed
- ☐ Laboratory Analyst Certification (Dairy, Food and Water Labs)
- ☐ Laboratory Certification (Dairy, Food and Water Labs)
- ☐ Laboratory; Milk Screening Test Approval
- ☐ Landspreading Permit; Soils Containing Spilled Agrichemicals
- ☐ Liming Materials; Approval to Sell by Volume
- ☐ Liming Materials; License to Sell
- ☐ Livestock Premises Registration
- ☐ Livestock; Brand Registration
- ☐ Livestock; Permit to Move from Slaughter
- ☐ Maple Sap Processor Registration
- ☐ Meat Broker or Distributor Registration
- ☐ Meat Establishment License
- ☐ Meat; Mobile Slaughter or Processing; Registration Certificate
- ☐ Milk and Cream Tester License
- ☐ Milk Contractor License
- ☐ Milk Distributor License
- ☐ Mobile Air Conditioners; repair or Service Business; Registration
- ☐ Mobile Air Conditioners; Technician Registration
- ☐ Nursery Dealer License
- ☐ Nursery Grower License
- ☐ Pasteurizer Operator -- not a license or permit
- ☐ Pesticide Applicator Certification; Commercial
- ☐ Pesticide Applicator Certification; Private
- ☐ Pesticide Commercial Application Business License
- ☐ Pesticide Commercial Applicator (Individual) License
- ☐ Pesticide Dealer-Distributor License
- ☐ Pesticide Emergency Use Permit
- ☐ Pesticide Experimental Use Permit
- ☐ Pesticide Manufacturer & Labeler License
- ☐ Pesticide Special Local Need Registration
- ☐ Pesticide Special Use Permit

- [ ] Plant Health (Phyto Sanitary) Certificate
- [ ] Plant Pest (or Biological Control Agent); Permit to Move or Release
- [ ] Poultry; Certified Pullorum Tester (National Poultry Improvement Plan)
- [ ] Poultry; Disease-Free Flock Certification (National Poultry Improvement Plan)
- [ ] Poultry; Wisconsin Associate Flock Certification
- [ ] Poultry; Wisconsin Tested Flock Certification
- [ ] Public Warehouse Keeper License
- [ ] Renderer License
- [ ] Seed Labeler License
- [ ] Sheep; Brucella Ovis-Free Certificate
- [ ] Soil and Plant Additive; License to Sell
- [ ] Soil and Plant Additive; Product Permit
- [ ] Swine; Brucellosis-Free Herd Certificate
- [ ] Swine; Pseudorabies - Monitored Herd Certification
- [ ] Swine; Pseudorabies Qualified Negative Grow-Out Herd Certification
- [ ] Swine; Pseudorabies Vaccination Permit
- [ ] Swing; Pseudorabies Qualified Negative Herd Certification
- [ ] Telephone Solicitors Registration (Wisconsin "No Call" Program)
- [ ] Time-Share Seller; Security Requirement
- [ ] Vegetable Contractor License
- [ ] Veternarian; Certification to Perform Official Disease Control Functions
- [ ] Weather Modification License
- [ ] Weather Modification Project Permit
- [ ] Weight Reduction Center; Security Requirement
- [ ] Weights and Measures; Liquid Fuel Vehicle Tank Meter License
- [ ] Weights and Measures; LP Gas Meter License
- [ ] Weights and Measures; Service Company License
- [ ] Weights and Measures; Service Technician Registration
- [ ] Weights and Measures; Vehicle or Livestock Scale Permit
- [ ] Weights and Meausres; Vehicle Scale Operator License

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Boxing and Mixed Martial Arts

Select license

- ☐ Boxing Contestant
- ☐ Boxing or Mixed Martial Arts Judge
- ☐ Boxing or Mixed Martial Arts Promoter
- ☐ Boxing or Mixed Martial Arts Referee
- ☐ Boxing or Mixed Martial Arts Ringside Physician
- ☐ Boxing or Mixed Martial Arts Timekeeper
- ☐ Mixed Martial Arts Contestant

Business Professions

Select license

- ☐ Accountant, Certified Public
- ☐ Accounting Corporation or Establishment
- ☐ Aesthetician
- ☐ Aesthetics Establishment
- ☐ Aesthetics Instructor
- ☐ Aesthetics School
- ☐ Appraiser, Certified General
- ☐ Appraiser, Certified Residential
- ☐ Appraiser, Licensed
- ☐ Architect
- ☐ Athlete Agent
- ☐ Auction Company
- ☐ Auctioneer
- ☐ Barber
- ☐ Barbering Apprentice
- ☐ Barbering Establishment
- ☐ Barbering Instructor
- ☐ Barbering Manager
- ☐ Barbering School
- ☐ Cemetery Authority (Licensed)
- ☐ Cemetery Authority (Registered)
- ☐ Cemetery Preneed Seller
- ☐ Cemetery Salesperson

- ☐ Certificate of Authorization: Architectural, Engineering or Designer of Engineering Systems Corp.
- ☐ Certificate of Authorization: Geology, Hydrology or Soil Science Corp.
- ☐ Certified General Appraiser
- ☐ Certified Public Accountant
- ☐ Certified Residential Appraiser
- ☐ Charitable Organizations
- ☐ Cosmetology Apprentice
- ☐ Cosmetology Establishment
- ☐ Cosmetology Instructor
- ☐ Cosmetology Manager
- ☐ Cosmetology Practitioner
- ☐ Cosmetology School
- ☐ Crematory Authority
- ☐ Designer of Engineering Systems
- ☐ Electrologist
- ☐ Electrology Establishment
- ☐ Electrology Instructor
- ☐ Electrology School
- ☐ Engineer, Professional
- ☐ Firearms Certifier
- ☐ Firearms Permit
- ☐ Fund-Raising Counsel
- ☐ Funeral Director
- ☐ Funeral Establishment
- ☐ Geologist
- ☐ Home Inspector
- ☐ Hydrologist
- ☐ Interior Designer
- ☐ Juvenile Martial Arts Instructor
- ☐ Land Surveyor
- ☐ Landscape Architect
- ☐ Licensed Appraiser
- ☐ Manicuring Establishment
- ☐ Manicuring Instructor
- ☐ Manicuring School
- ☐ Manicurist

- [ ] Nursing Home Administrator
- [ ] Peddler
- [ ] Private Detective
- [ ] Private Detective/Security Guard Agency
- [ ] Private Security Permit
- [ ] Professional Employer Group
- [ ] Professional Employer Organization
- [ ] Professional Engineer
- [ ] Professional Fund Raiser
- [ ] Real Estate Broker
- [ ] Real Estate Business Entity
- [ ] Real Estate Salesperson
- [ ] Real Estate Salesperson Apprentice
- [ ] Soil Scientist
- [ ] Timeshare Salesperson
- [ ] Warehouse for Cemetery Merchandise

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Health Professions

Select license

- [ ] Acupuncturist
- [ ] Advanced Practice Nurse Prescriber
- [ ] Anesthesiologist Assistant
- [ ] Art Therapist
- [ ] Athletic Trainer
- [ ] Audiologist
- [ ] Behavior Analyst
- [ ] Chiropractic Radiological Technician
- [ ] Chiropractic Technician
- [ ] Chiropractor
- [ ] Clinical Substance Abuse Counselor
- [ ] Clinical Supervisor In Training
- [ ] Controlled Substances Special Use Authorization
- [ ] Dance Therapist

- ☐ Dental Hygienist
- ☐ Dentist
- ☐ Dietitian
- ☐ Drug or Device Manufacturer
- ☐ Hearing Instrument Specialist
- ☐ Independent Clinical Supervisor
- ☐ Intermediate Clinical Supervisor
- ☐ Licensed Midwives
- ☐ Licensed Practical Nurse
- ☐ Licensed Radiographer
- ☐ Limited X-Ray Machine Operator Permit
- ☐ Marriage and Family Therapist
- ☐ Massage Therapist or Bodywork Therapist
- ☐ Music Therapist
- ☐ Nurse - Midwife
- ☐ Occupational Therapist
- ☐ Occupational Therapy Assistant
- ☐ Optometrist
- ☐ Perfusionist
- ☐ Pharmacist
- ☐ Pharmacy (In State)
- ☐ Pharmacy (Out of State)
- ☐ Physical Therapist
- ☐ Physical Therapist Assistant
- ☐ Physician Assistant
- ☐ Physician
- ☐ Podiatrist
- ☐ Prevention Specialist
- ☐ Prevention Specialist in Training
- ☐ Private Pract. School Psychologist
- ☐ Professional Counselor
- ☐ Psychologist
- ☐ Registered Nurse
- ☐ Registered Sanitarian
- ☐ Respiratory Care Practitioner
- ☐ Sign Language Interpreter

- [ ] Sign Language Interpreter (Restricted)
- [ ] Social Worker
- [ ] Social Worker - Advanced Practice
- [ ] Social Worker - Independent
- [ ] Social Worker - Licensed Clinical
- [ ] Social Worker - Training Certificate
- [ ] Speech-Language Pathologist
- [ ] Substance Abuse Counselor
- [ ] Substance Abuse Counselor in Training
- [ ] Veterinarian
- [ ] Veterinary Technician
- [ ] Wholesale Distributor of Prescription Drugs

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Manufactured Homes

Select license

- [ ] Manufactured Home Dealer
- [ ] Manufactured Home Installer
- [ ] Manufactured Home Manufacturer
- [ ] Manufactured Home Salesperson
- [ ] Manufactured Home Title
- [ ] Manufactured Home Community

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Trades Professions - Fire Sprinkler

Select license

- [ ] Automatic Fire Sprinkler Contractor
- [ ] Automatic Fire Sprinkler Contractor – Maintenance
- [ ] Automatic Fire Sprinkler Fitter – Maintenance
- [ ] Automatic Fire Sprinkler System Apprentice
- [ ] Automatic Fire Sprinkler System Tester
- [ ] Automatic Fire Sprinkler System Tester Learner
- [ ] Journeyman Automatic Fire Sprinkler Fitter

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Trades Professions - Blasting and Fireworks

Select license

- ☐ Blaster Class 1
- ☐ Blaster Class 2
- ☐ Blaster Class 3
- ☐ Blaster Class 4
- ☐ Blaster Class 5
- ☐ Blaster Class 6
- ☐ Blaster Class 7
- ☐ Fireworks Manufacturer

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Trades Professions - Conveyances

Select license

- ☐ Elevator Apprentice
- ☐ Elevator Apprentice – Restricted
- ☐ Elevator Contractor
- ☐ Elevator Helper
- ☐ Elevator Mechanic
- ☐ Elevator Mechanic – Restricted
- ☐ Lift Apprentice
- ☐ Lift Helper
- ☐ Lift Mechanic

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Trades Professions - Dwellings, Structures and Sites

Select license

- ☐ Dwelling Contractor
- ☐ Dwelling Contractor – Restricted
- ☐ Dwelling Contractor Qualifier

- ☐ Manufactured Home Installer
- ☐ Manufactured Home Manufacturer
- ☐ Manufactured Home Salesperson
- ☐ Soil Tester
- ☐ Weld Test Conductor
- ☐ Welder

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Trades Professions - Electrical

Select license

- ☐ Beginner Electrician
- ☐ Electrical Apprentice
- ☐ Electrical Contractor
- ☐ Industrial Electrical Apprentice
- ☐ Industrial Journeyman Electrician License
- ☐ Journeyman Electrician
- ☐ Master Electrician
- ☐ Residential Electrical Apprentice
- ☐ Residential Journeyman Electrician License
- ☐ Residential Master Electrician License

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Trades Professions - Inspection

Select license

- ☐ Boiler/Pressure Vessel Inspector
- ☐ Commercial Building Inspector
- ☐ Commercial Electrical Inspector
- ☐ Commercial Plumbing Inspector
- ☐ Elevator Inspector
- ☐ POWTS Inspector
- ☐ Rental Weatherization Inspector
- ☐ Soil Erosion Inspector
- ☐ Tank System Inspector

- [ ] UDC Construction Inspector
- [ ] UDC Electrical Inspector
- [ ] UDC HVAC Inspector
- [ ] UDC Inspection Agency
- [ ] UDC Plumbing Inspector

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Trades Professions - Mechanical

Select license

- [ ] HVAC Contractor
- [ ] HVAC Qualifier
- [ ] Liquefied Gas Supplier
- [ ] Liquefied Gas Supplier – Restricted
- [ ] Refrigerant Handling Technician

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Trades Professions - Plumbing

Select license

- [ ] Cross Connection Control Tester
- [ ] Journeyman Plumber
- [ ] Journeyman Plumber Restricted Appliance
- [ ] Journeyman Plumber Restricted Service
- [ ] Master Plumber
- [ ] Master Plumber Restricted Appliance
- [ ] Master Plumber Restricted Service
- [ ] Pipelayer
- [ ] Plumbing Apprentice
- [ ] Plumbing Learner Restricted Appliance
- [ ] Plumbing Learner Restricted Service
- [ ] POWTS Maintainer
- [ ] Utility Contractor

The following questions were asked about each of the following agencies:
Department of Agriculture, Trade and Consumer Protection
Department of Safety and Professional Services
Department of Children and Families
Department of Financial Institutions
Department of Health Services
Office of the Commissioner of Insurance
Department of Natural Resources
Department of Revenue
Department of Workforce Development
Other Agencies

Respondents were only asked these questions about an agency if they identified the agency as one they interacted with to do business.

Answer only those questions that apply to you

How would you rate your overall experience with the agency?

- ○ Very Poor
- ○ Poor
- ○ Average
- ○ Good
- ○ Very Good
- ○ No opinion/unsure

How would you rate the licensing process?

- ○ Very Poor
- ○ Poor
- ○ Average
- ○ Good
- ○ Very Good
- ○ No opinion/unsure

After submitting your application, what length of time did you wait for your license? Select no more than 1.

- ☐ 3 or less business days
- ☐ 4 - 7 business days
- ☐ 8 - 29 business days
- ☐ 30 days or longer

How satisfied are you with the time it takes to receive your license after you apply?

- ○ Very dissatisfied
- ○ Somewhat dissatisfied
- ○ No opinion
- ○ Somewhat satisfied
- ○ Very satisfied

As a license holder, how do you stay up-to-date on changes in state law as it relates to your industry? Select no more than 1.

- [ ] Membership Association
- [ ] State Agency
- [ ] None of the above
- [ ] Other, please specify

How much value do you believe there is relative to fees paid to be a license holder?

- ○ Good Value
- ○ Some Value
- ○ Not Sure
- ○ Minimal Value
- ○ No Value

How frequently, if at all, should you be required to renew your license?Select no more than 1.

- [ ] Leave as is
- [ ] Renew more frequently
- [ ] Renew less frequently
- [ ] Do not require renewal at all

What is your opinion of the continuing education (CE) requirements, if any, for your license?Select no more than 1.

- [ ] No CE is required now
- [ ] Ok as is
- [ ] Reduce the CE requirement
- [ ] Increase the CE requirement
- [ ] Do not require CE
- [ ] Additional comments on CE
- [ ] No opinion

Enter additional comments:

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How would you improve your experience

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How would you improve your experience with the licensing process

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Consolidation Input

Do you believe there should be one agency responsible solely for Agriculture and food saftey in Wisconsin?Select at least 1 and no more than 1.

- ☐ Definitely Yes
- ☐ Probably Yes
- ☐ Not Sure
- ☐ Probably No
- ☐ Definitely No

Do you believe there should be one agency responsible for all licensing and permitting in Wisconsin?Select at least 1 and no more than 1.

- ☐ Definitely Yes
- ☐ Probably Yes
- ☐ Not Sure
- ☐ Probably No
- ☐ Definitely No

If Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection were consolidated how do you think the focus of the new agency might change the current functions such as agriculture, food safety, consumer protection, building plan review and professional licensing?

- ☐ Reduce focus
- ☐ Stay the same
- ☐ Increase focus
- ☐ Unsure

How do you believe a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would affect the services to you as a license holder?

- [ ] Greatly reduce service
- [ ] Reduce service somewhat
- [ ] Not sure
- [ ] Improve service somewhat
- [ ] Greatly improve service

Do you believe that consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection will result in savings?

- [ ] Definitely Yes
- [ ] Probably Yes
- [ ] Not Sure
- [ ] Probably No
- [ ] Definitely No

If consolidation results in lower costs to the agency, how would you want the savings used?

- [ ] Return savings to taxpayers
- [ ] Use savings to reduce license fees
- [ ] Invest savings to provide better service
- [ ] Other, please specify

If no savings were found from a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would you support the general concept of consolidation?

- [ ] Definitely Yes
- [ ] Probably Yes
- [ ] Not Sure
- [ ] Probably No
- [ ] Definitely No

Please use the space below to provide additional comments

Appendix 4: Respondent Demographics

Table 1: Total Respondents by County					
County	**Respondents**	**Percentage**	**County**	**Respondents**	**Percentage**
None Indicated	8,340	33.4%	Marathon	405	1.6%
Adams	54	0.2%	Marinette	105	0.4%
Ashland	48	0.2%	Marquette	38	0.2%
Barron	115	0.5%	Menominee	2	0.0%
Bayfield	57	0.2%	Milwaukee	2,102	8.4%
Brown	687	2.8%	Monroe	108	0.4%
Buffalo	34	0.1%	Oconto	105	0.4%
Burnett	43	0.2%	Oneida	144	0.6%
Calumet	133	0.5%	Outagamie	443	1.8%
Chippewa	209	0.8%	Ozaukee	342	1.4%
Clark	62	0.2%	Pepin	26	0.1%
Columbia	188	0.8%	Pierce	67	0.3%
Crawford	55	0.2%	Polk	93	0.4%
Dane	2,518	10.1%	Portage	186	0.7%
Dodge	225	0.9%	Price	51	0.2%
Door	117	0.5%	Racine	422	1.7%
Douglas	103	0.4%	Richland	64	0.3%
Dunn	119	0.5%	Rock	348	1.4%
Eau Claire	362	1.5%	Rusk	24	0.1%
Florence	10	0.0%	Saint Croix	204	0.8%
Fond du Lac	308	1.2%	Sauk	190	0.8%
Forest	15	0.1%	Sawyer	58	0.2%
Grant	117	0.5%	Shawano	83	0.3%
Green	150	0.6%	Sheboygan	289	1.2%
Green Lake	57	0.2%	Taylor	41	0.2%
Iowa	79	0.3%	Trempealeau	66	0.3%
Iron	23	0.1%	Vernon	73	0.3%
Jackson	46	0.2%	Vilas	86	0.3%
Jefferson	239	1.0%	Walworth	246	1.0%
Juneau	49	0.2%	Washburn	62	0.2%
Kenosha	284	1.1%	Washington	437	1.8%
Kewaunee	61	0.2%	Waukesha	1,468	5.9%
La Crosse	409	1.6%	Waupaca	132	0.5%
Lafayette	50	0.2%	Waushara	58	0.2%
Langlade	59	0.2%	Winnebago	436	1.7%
Lincoln	66	0.3%	Wood	237	0.95%
Manitowoc	217	0.9%			
Counties Represented		**72**			
Total Respondents		**24,949**			

Table 2: Respondents by Profession		
Profession	**Respondents**	**Percent of Total**
Health Professions	9,838	39.4%
No Response	7,451	29.9%
Business Professions	5,194	20.8%
Trades Professions	1,920	7.7%
Manufactured Housing	21	0.1%
Mixed Martial Arts/Boxing	14	0.1%
Subtotal	*24,438*	*98.0%*
More than One Response		
Business Professions; Trades Professions	210	0.8%
Health Professions; Business Professions	187	0.7%
Health Professions; Trades Professions	61	0.2%
Health Professions; Business Professions; Trades Professions	28	0.1%
Business Professions; Trades Professions; Manufactured Housing	9	0.0%
Trades Professions; Manufactured Housing	9	0.0%
Business Professions; Manufactured Housing	4	0.0%
Business Professions; Trades Professions; Mixed Martial Arts/Boxing	1	0.0%
Health Professions; Business Professions; Trades Professions; Manufactured Housing; Mixed Martial Arts/Boxing	1	0.0%
Health Professions; Mixed Martial Arts/Boxing	1	0.0%
Subtotal	511	2.1%
Grand Total	***24,949***	***100.0%***

Table 3: Respondents by Reason for Agency Contact

Reason for Contact	Respondents	Percent of Total
Obtain or renew an occupational license	16,921	65.5%
None of the Above	2,880	11.1%
Obtain or renew an occupational license; Register my business	1,162	4.5%
Obtain or renew an occupational license; Obtain a permit for a specific activity	611	2.4%
Obtain or renew an occupational license; Register my business; Obtain a permit for a specific activity	503	1.9%
Other with significant Agency contact	462	1.8%
Obtain a permit for a specific activity	384	1.5%
Register my business	355	1.4%
Obtain or renew an occupational license; Other with significant Agency contact	314	1.2%
I am a member of a Board or Council affiliated with an Agency	246	1.0%
I am a Representative of a Trade Association with interests to an Agency	207	0.8%
Multiple Responses - Other	904	3.5%
Grand Total	**24,949**	**100.0%**

Table 4: Respondents by Source of Survey Contact

Source of Contact	Respondents	Percent of Total
License Holders	23,438	93.9%
Other via Office of Business Development	497	2.0%
DSPS Stakeholders	336	1.3%
Legislature	173	0.7%
Boards and Councils	147	0.6%
DOA/Wisconsin Website	128	0.5%
Not Available	39	0.2%
Chamber via Office of Business Development	33	0.1%
Bus Development via Office of Business Development	20	0.1%
DATCP Lists	12	0.0%
DSPS Lists	8	0.0%
Lt Governor Lists	2	0.0%
Cooperative Network	1	0.0%
Grand Total	**24,949**	**100.0%**

Table 5: Categorized responses to the question: How many full time people do you employ?		**Categorized responses to the question: How many part time people do you employ?**	
Employees	**Respondents**	**Employees**	**Respondents**
Zero	573	Zero	980
Between 1-10 Employees	1,063	Between 1-10 Employees	829
Between 11-50 Employees	224	Between 11-50 Employees	91
Between 51-100 Employees	53	Between 51-100 Employees	10
Between 101-1000 Employees	51	Between 100-1000 Employees	26
Over 1001 Employees	10	Over 1001 Employees	2
Subtotal	*1,974*	*Subtotal*	*1,938*
No response	22,975	No response	23,011
Total	**24,949**	**Total**	**24,949**

Appendix 5: Complete Survey Responses - DATCP and DSPS

Table 1: Do you believe there should be one agency responsible for all licensing and permitting in Wisconsin?		
Response	**Respondents**	**Percentage**
No Response	4,247	17.0%
Definitely No	1,408	5.6%
Probably No	1,968	7.9%
Not Sure	2,917	11.7%
Probably Yes	5,861	23.5%
Definitely Yes	8,548	34.3%
Total Respondents	24,949	100.0%

Table 2: Do you believe there should be one agency responsible solely for Agriculture and food safety in Wisconsin?		
Response	**Respondents**	**Percentage**
No Response	4,248	17.0%
Definitely No	875	3.5%
Probably No	1,177	4.7%
Not Sure	4,377	17.5%
Probably Yes	5,855	23.5%
Definitely Yes	8,417	33.7%
Total Respondents	24,949	100.0%

Table 3: How do you believe a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would affect the services to you as a license holder?		
Response	**Respondents**	**Percentage**
No Response	4,430	17.8%
Greatly improve service	192	0.8%
Improve service somewhat	760	3.0%
Not sure	8,308	33.3%
Reduce service somewhat	6,270	25.1%
Greatly reduce service	4,989	20.0%
Total Respondents	24,949	100.0%

Table 4: Do you believe that consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection will result in savings?		
Response	**Respondents**	**Percentage**
No Response	4,352	17.4%
Definitely No	1,401	5.6%
Probably No	5,319	21.3%
Not Sure	6,245	25.0%
Probably Yes	6,209	24.9%
Definitely Yes	1,423	5.7%
Total Respondents	24,949	100.0%

Table 5: If no savings were found from a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would you support the general concept of consolidation?		
Response	**Respondents**	**Percentage**
No Response	4,375	17.5%
Definitely No	7,191	28.8%
Probably No	6,614	26.5%
Not Sure	3,532	14.2%
Probably Yes	2,364	9.5%
Definitely Yes	873	3.5%
Total Respondents	24,949	0.0%

Performance Evaluation Questions – DATCP

DATCP - How would you rate your overall experience with the agency?		
Very Good	309	19.9%
Good	562	36.2%
Average	436	28.1%
Poor	53	3.4%
Very Poor	24	1.5%
No opinion/unsure	169	10.9%
Total	**1,553**	**100%**
Not Asked/No Response	23,396	

DATCP - How would you rate the licensing process?		
Very Good	228	15.0%
Good	510	33.6%
Average	413	27.2%
Poor	65	4.3%
Very Poor	17	1.1%
No opinion/unsure	285	18.8%
Total	**1,518**	**100%**
Not Asked/No Response	23,431	

DATCP - After submitting your application, what length of time did you wait for your license?		
3 or less business days	202	16.7%
4 - 7 business days	421	34.9%
8 - 29 business days	468	38.8%
30 days or longer	115	9.5%
Total	**1,206**	**100%**
Not Asked/No Response	23,743	

DATCP How satisfied are you with the time it takes to receive your license after you apply?		
Very satisfied	385	28.5%
Somewhat satisfied	364	26.9%
No opinion	449	33.2%
Somewhat dissatisfied	100	7.4%
Very dissatisfied	53	3.9%
Total	**1,351**	**100%**
Not Asked/No Response	23,598	

DATCP - How much value do you believe there is relative to fees paid to be a license holder?		
Good Value	253	18.3%
Some Value	373	26.9%
Not Sure	367	26.5%
Minimal Value	305	22.0%
No Value	87	6.3%
Total	**1,385**	**100%**
Not Asked/No Response	23,564	

DATCP - How frequently, if at all, should you be required to renew your license?		
Renew more frequently	13	1.0%
Leave as is	805	59.7%
Renew less frequently	427	31.7%
Do not require renewal at all	104	7.7%
Total	**1,349**	**100%**
Not Asked/No Response	23,600	

DATCP - What is your opinion of the continuing education requirements, if any, for your license?		
Increase the CE requirement	75	5.5%
Ok as is	710	51.6%
No CE is required now	184	13.4%
No opinion	110	8.0%
Reduce the CE requirement	161	11.7%
Do not require CE	93	6.8%
Other	43	3.1%
Total	**1,376**	**100%**
Not Asked/No Response	23,573	

Performance Evaluation Questions – DSPS

DSPS - How would you rate your overall experience with the agency?		
Very Good	3,986	24.2%
Good	6,850	41.6%
Average	4,047	24.6%
Poor	626	3.8%
Very Poor	184	1.1%
No opinion/unsure	772	4.7%
Total	**16,465**	**100%**
Not Asked/No Response	8,484	

DSPS - How would you rate the licensing process?		
Very Good	4,320	26.4%
Good	6,699	40.9%
Average	4,007	24.5%
Poor	783	4.8%
Very Poor	188	1.1%
No opinion/unsure	385	2.4%
Total	**16,382**	**100%**
Not Asked/No Response	8,567	

DSPS - After submitting your application, what length of time did you wait for your license?		
3 or less business days	3,557	22.8%
4 - 7 business days	4,885	31.3%
8 - 29 business days	5,358	34.3%
30 days or longer	1,830	11.7%
Total	**15,630**	**100%**
Not Asked/No Response	9,319	

DSPS - How satisfied are you with the time it takes to receive your license after you apply?		
Very satisfied	6,489	40.5%
Somewhat satisfied	4,154	26.0%
No opinion	3,236	20.2%
Somewhat dissatisfied	1,414	8.8%
Very dissatisfied	713	4.5%
Total	**16,006**	**100%**
Not Asked/No Response	8,943	

DSPS - How much value do you believe there is relative to fees paid to be a license holder?		
Good Value	3,790	23.3%
Some Value	4,502	27.7%
Not Sure	3,722	22.9%
Minimal Value	3,516	21.6%
No Value	726	4.5%
Total	**16,256**	**100%**
Not Asked/No Response	8,693	

DSPS - How frequently, if at all, should you be required to renew your license?		
Renew more frequently	111	0.7%
Leave as is	9,981	60.9%
Renew less frequently	5,548	33.9%
Do not require renewal at all	737	4.5%
Total	**16,377**	**100%**
Not Asked/No Response	8,572	

DSPS - What is your opinion of the continuing education requirements, if any, for your license?		
Increase the CE requirement	864	5.3%
Ok as is	8,844	53.9%
No CE is required now	2,388	14.6%
No opinion	588	3.6%
Reduce the CE requirement	1,780	10.9%
Do not require CE	1,131	6.9%
Other	798	4.9%
Total	**16,393**	**100%**
Not Asked/No Response	8,556	

Appendix 6: List of Stakeholder Groups Contacted

DATCP Groups

Number	Organization
1.	211 (Badger Bay Management Co.)
2.	ABS Global, Inc.
3.	AgrAbility of Wisconsin
4.	Alta Genetics
5.	Babcock Institute
6.	Bioforward
7.	Bull Studs Emergency Management, Accelerated Genetics
8.	Capitol Consultants, Inc.
9.	Capitol Strategies
10.	Center for Dairy Profitability
11.	Center for Integrated Agricultural Systems (CIAS)
12.	Chippewa County Economic Development Corporation
13.	Concerned Auto Recyclers of WI
14.	Cooperative Network Association
15.	Dairy Business Assn
16.	Dane County Farmers Market
17.	Daybreak Foods
18.	Department of Health
19.	Department of Natural Resources
20.	Department of Public Instruction
21.	DeWitt, Ross & Stevens
22.	Discover Mediaworks
23.	Easter Seals Wisconsin
24.	Equity Cooperative Livestock Sales Association
25.	ExxonMobil Refining and Supply Company
26.	FairShare CSA Coalition
27.	Farley Center for Peace, Justice & Sustainability
28.	Focus on energy
29.	Fondy food Center
30.	Food and Beverage Milwaukee
31.	Food Export Association of the Midwest
32.	Genex
33.	Ginseng Board of Wisconsin
34.	GLCI Steering Committee/NRCS
35.	Gold'n Plump Poultry
36.	Gorst Valley Hops
37.	GrassWorks
38.	Great Lakes Farm to School Network
39.	Green County Beef Producers

40.	Growing Power
41.	Growmark
42.	Health First Wisconsin
43.	Hmong Wisconsin Chamber of Commerce
44.	Indianhead Food Service Distribution
45.	Indianhead Polled Hereford Association
46.	Indianhead Sheep Breeders Association
47.	International Society of Weighing and Measuring
48.	Jennie-O Turkey Store, Inc.
49.	Kettle Moraine Mink Breeders
50.	MacFarlane Pheasants, Inc.
51.	Madison Area Community Supported Agriculture
52.	Madison International Trade Association
53.	Madison Region Economic Development Partnership
54.	Marathon Petroleum
55.	Master Meat Crafter Program
56.	McKay Nursery
57.	Michael Best & Friedrich LLP
58.	Michael Fields Agriculture Institute
59.	Midwest Food Processors Association
60.	Midwest Grocers Association
61.	Midwest Organic and Sustainable Education Service
62.	Midwest Organic Services Association
63.	Midwest Pickle Association
64.	Midwest Pinzgauer Association
65.	Milwaukee International Trade Association
66.	New North, Inc.
67.	NFO - Wisconsin
68.	Organic Advisory Council
69.	Organic Valley
70.	Professional Dairy Producers of WI
71.	REAP Food Group
72.	Reindeer Owners & Breeders Association (R.O.B.A.)
73.	SE Wisconsin Farm and Food Network
74.	Sexing Technologies Inc.
75.	Small Business Development Center - Milwaukee
76.	Southwest Badger Resource Conservation & Development Council
77.	Spring Rose Growers Cooperative
78.	Syngenta
79.	The Welch Group
80.	Transform WI
81.	U.S. Commercial Service Midwest

82.	U.S. Small Business Administration-Madison
83.	USDA Rural Development
84.	UW Cooperative Extension
85.	UW Extension
86.	UW Extension – Emergency Management
87.	UW Madison - CALS
88.	UW Madison - Center for Integrated Agricultural Systems
89.	UW Madison -West Madison Ag. Research Station
90.	UW River Falls
91.	UW Superior
92.	UW-Madison Animal Science Dept.
93.	UW-Madison Food Science
94.	UW-River Falls Animal Science Dept.
95.	WAGA, WATA, WBGA, WFVG
96.	Whitetails of Wisconsin (W.O.W.)
97.	WI/MN Petroleum Council
98.	Wisconsin Agribusiness Council
99.	Wisconsin Agricultural Tourism Association
100.	Wisconsin Agri-Service Assoc.
101.	Wisconsin AgroSecurity Resource Network
102.	Wisconsin Airport Management Association
103.	Wisconsin Angus Association
104.	Wisconsin Apple Growers Association
105.	Wisconsin Aquaculture Association, Inc.
106.	Wisconsin Association of Fairs
107.	Wisconsin Association of FFA
108.	Wisconsin Association of Meat Processors
109.	Wisconsin Association of Professional Agricultural Consultants
110.	Wisconsin Automobile & Truck Dealers Association Inc.
111.	Wisconsin Automotive Aftermarket Association
112.	Wisconsin Bakers Association Inc.
113.	Wisconsin Beef Council
114.	Wisconsin Berry Growers Association
115.	Wisconsin Cattlemen's Assn
116.	Wisconsin Cattlemen's Association
117.	Wisconsin Center for Dairy Research
118.	Wisconsin Cheese Makers Assn
119.	Wisconsin Cherry Board
120.	Wisconsin Cherry Growers Inc.
121.	Wisconsin Christmas Tree Producers Association
122.	Wisconsin Commercial Deer & Elk Farmers Association
123.	Wisconsin Commercial Flower Growers Association

124.	Wisconsin Corn Growers Assn
125.	Wisconsin Corn Promotion Board
126.	Wisconsin Cranberry Board
127.	Wisconsin Cranberry Growers Association
128.	Wisconsin Dairy Artisan Network
129.	Wisconsin Dairy Products Association
130.	Wisconsin Economic Development Corporation
131.	Wisconsin Emu Association
132.	Wisconsin Farm Bureau Federation
133.	Wisconsin Farm Service Agency
134.	Wisconsin Farmers Union
135.	Wisconsin Fire Chief's Association
136.	Wisconsin Fire Inspectors Association
137.	Wisconsin Food Hub Cooperative
138.	Wisconsin Foodie
139.	Wisconsin Fresh Market Vegetable Growers Association
140.	Wisconsin Grape Growers Association
141.	Wisconsin Grass-fed Beef Cooperative
142.	Wisconsin Green Industry Federation
143.	Wisconsin Grocers Association
144.	Wisconsin Hereford Association
145.	Wisconsin Holstein Association
146.	Wisconsin Honey Producers Association
147.	Wisconsin Horse Council
148.	Wisconsin Innovation Kitchen
149.	Wisconsin Insurance Alliance
150.	Wisconsin Jersey Breeders Association
151.	Wisconsin Jewelers Association
152.	Wisconsin Livestock and Meat Council
153.	Wisconsin Livestock Breeders Association
154.	Wisconsin Local Food Network
155.	Wisconsin Manufacturing Extension Partnership
156.	Wisconsin Maple Syrup Producers Association
157.	Wisconsin Marina Association
158.	Wisconsin Milk Marketing Board, Inc.
159.	Wisconsin Mint Board
160.	Wisconsin Nursery Growers Association
161.	Wisconsin Obesity Prevention Network
162.	Wisconsin Office of Rural Health
163.	Wisconsin Paper Council
164.	Wisconsin Petroleum Council (WPC)
165.	Wisconsin Petroleum Equipment Association

166.	Wisconsin Petroleum Equipment Contractors Association (WisPEC)
167.	Wisconsin Petroleum Marketers and Convenience Store Association
168.	Wisconsin Pork Association
169.	Wisconsin Potato and Vegetable Growers Association
170.	Wisconsin Potato Board
171.	Wisconsin Potato Industry Board
172.	Wisconsin Poultry & Egg Improvement Assn
173.	Wisconsin Propane Gas Association
174.	Wisconsin Red and White Cattle Association
175.	Wisconsin Restaurant Association
176.	Wisconsin Rural Partners
177.	Wisconsin Rural Women's Initiative
178.	Wisconsin Self-Service Laundry Association
179.	Wisconsin Sheep Breeders Cooperative
180.	Wisconsin Sheep Dairy Cooperative
181.	Wisconsin Shorthorn Association
182.	Wisconsin Show Pig Association
183.	Wisconsin Simmental Association
184.	Wisconsin Sod Producers Association
185.	Wisconsin Soybean Association
186.	Wisconsin Soybean Board
187.	Wisconsin Specialty Cheese Institute
187.	Wisconsin Specialty Cheese Institute
188.	Wisconsin State Cranberry Growers Association
189.	Wisconsin Transportation Builders Association
190.	Wisconsin Utilities Association
191.	Wisconsin Veterinary Medical Assoc.
192.	Wisconsin Veterinary Medical Association
193.	Wisconsin Winery Association
194.	World Beef Expo
195.	World Trade Center Wisconsin
196.	WTCS Ag Education

DSPS Groups

Number	Organization
1.	American Massage Therapy Association, WI Chapter
2.	Chiropractic Society of Wisconsin
3.	Funeral Service and Cremation Alliance of Wisconsin
4.	International Union of Operating Engineers Local #139
5.	Iron Workers District Council of the North Central States
6.	Lake State Lumber Association

7.	Leading Age Wisconsin
8.	League of Wisconsin Municipalities
9.	Madison Area Builders Association
10.	Mechanical Contractors Association of Wisconsin
11.	Medical College of Wisconsin
12.	Mental Health America of Wisconsin
13.	Miron Construction
14.	National Association of Chain Drug Stores
15.	National Association of Social Workers – WI Chapter
16.	National Electrical Manufacturers Association
17.	Novartis Pharmaceuticals Corporation
18.	Otsuka America Pharmaceutical, Inc.
19.	Pharmaceutical Research and Manufacturers of America (PhRMA)
20.	Pharmacy Society of Wisconsin
21.	Reckitt Benckiser Pharmaceuticals Inc
22.	Southeast Dental Associates
23.	Sunovion Pharmaceuticals, Inc
24.	Takeda Pharmaceuticals America
25.	VJS Construction Services
26.	Wal-Mart
27.	Wisconsin Academy of Ophthalmology
28.	Wisconsin Academy of Physician Assistants
29.	Wisconsin Alliance of Hearing Professionals
30.	Wisconsin Amusement and Music Operators
31.	Wisconsin Association for Marriage and Family Therapy
32.	Wisconsin Association of Nurse Anesthetists
33.	Wisconsin Association of School Nurses
34.	Wisconsin Athletic Trainers Association, Inc.
35.	Wisconsin Builders Association
36.	Wisconsin Business Alliance
37.	Wisconsin Chapter of the American Academy of Pediatrics
38.	Wisconsin Chapter of the American College of Emergency Physicians, Inc.
39.	Wisconsin Chiropractic Association
40.	Wisconsin Dental Association
41.	Wisconsin Dental Hygienists Association

Appendix 7: Stakeholder Contact – Agriculture Sector

October 30, 2013

Mr. Andrew Hitt
Assistant Deputy Secretary
Department of Administration
P.O. Box 7864
Madison, WI. 53707-7864

We are writing to you, as representatives of farm, cooperative, commodity and agri-business organizations, to express our deep concern with certain language in the 2013-15 biennial budget Act 20 inserted by the Joint Finance Committee. As you know, this language directs the Department of Administration to study the possible consolidation of the functions performed by the Department of Agriculture, Trade and Consumer Protection (DATCP) and the Department of Safety and Professional Services (DSPS), into a new agency to be named the Department of Agriculture, Regulation, and Trade (DART). As you are aware, the study seeks to evaluate the consolidation of agency programs, reform licensing, and potentially eliminate advisory boards and councils.

First, we believe any potential benefits from a consolidation of the two agencies are offset by substantial concerns we have about the future integrity of DATCP and its vital role as the state's major agricultural and consumer protection advocate. Many of the functions at DSPS **do not** fit DATCP's core responsibilities in such critical areas as animal health, food safety, consumer protection, agricultural resource management, and agricultural industry partnerships. We fear consolidation could cause DATCP to drift from its agricultural advocacy and consumer protection mission because DSPS is focused on the review of nearly 50 diverse boards and councils, including the Cemetery Board, Controlled Substances Board, Crematory Authority Council, Hearing and Speech Examining Board, Perfusionists Examining Council, Midwives Advisory Committee and the Sign Language Interpreter Council, among many others. DSPS is also responsible for ensuring the safe and competent practice of licensed professionals in Wisconsin. This is a very different mission than DATCP's current agricultural and consumer protection mission.

Second, an expected purpose of the potential consolidation is to save taxpayer dollars. We are very concerned that, should a consolidation occur, the only "savings" would be from the reduction or elimination of important DATCP programs because many of its programs are still funded by state taxpayer dollars rather than by fees because they benefit the general public. By contrast, DSPS typically collects fees to run its professional licensing and oversight boards. In other words, we fear that over time, DATCP would look much more like DSPS rather than like DATCP due to expected budget cuts should consolidation occur. Please note that DATCP has already been greatly -- and disproportionally -- impacted by the loss of federal "earmarked" appropriations and state budget cuts that have resulted in the elimination or at least temporary defunding of some worthy programs.

If the study determines that the elimination of DSPS as a self-standing agency is important from a government efficiency standpoint, we are not opposed to that outcome. We realize that in DSPS's brief history, a number of functions have been transferred out of the agency, including

those initiated through 2013 Act 20. However, we believe transfers of specific regulatory programs should be strategic and logical in terms of what agencies are impacted. For example, the Auctioneer Board, Veterinary Examining Board and oversight of anhydrous ammonia tank systems may logically be attached to DATCP. However, if specific transfers such as those are recommended, we request that it not affect the function of the DATCP Board. Wisconsin agriculture and agribusiness strongly supports the continuation of the Board of Agriculture, Trade and Consumer Protection, which is populated with seven members with an agricultural background and two as consumer representatives.

We enjoy a beneficial partnership with DATCP and strongly support the agency's focus on agriculture and consumer protection. Wisconsin's $59 billion agricultural industry is diverse and has thrived in part due to public policy initiatives that have assisted in our ability to produce food and fiber for citizens of our nation and the world. Please be advised that we would strongly oppose any recommendation that would diminish DATCP's continued ability to be our strong partner. Thank you for taking our perspective into consideration as you proceed with the study that the Legislature directed you to undertake.

Sincerely,

Cooperative Network – Bill Oemichen
1 S. Pinckney St., Suite 810, Madison, WI 53703

Dairy Business Association – Laurie Fischer
PO Box 13505, Green Bay, WI 54307-3505

GROWMARK, Inc. – Chuck Spencer
P.O. Box 2500, Bloomington, IL 61720-2500

Midwest Food Processors Association – Nick George
4600 American Pkwy., Suite 210, Madison, WI 53701-1297

Wisconsin Agri-Business Association – Tom Bressner
2801 International Lane, Suite 105, Madison, WI 53704

Wisconsin Agribusiness Council – Ferron Havens
PO Box 46100, Madison, WI 53744-6100

Wisconsin Association of Professional Agricultural Consultants – Eric Birschbach
2276 Dahlk Circle, Verona, WI 53593

Wisconsin Cattlemen's Association – Terry Quam
N706 Hwy 113, Lodi, WI 53555

Wisconsin Cheese Makers Association – John Umhoefer
8030 Excelsior Dr., Suite 305, Madison, WI 53717-1950

Wisconsin Corn Growers Association – Bob Oleson

W1360 Hwy. 106, Palmyra, WI 53156

Wisconsin Dairy Products Association – Brad Legreid
8383 Greenway Blvd., Middleton, WI 53562

Wisconsin Farm Bureau Federation – Paul Zimmerman
PO Box 5550, Madison, WI 53705

Wisconsin Farmers Union – Darin Von Ruden
117 West Spring Street, Chippewa Falls, WI 54729

Wisconsin Green Industry Federation – Brian Swingle
12342 W. Layton Ave., Greenfield, WI 53228

Wisconsin National Farmers Association – Don Hamm
955 17th St., Prairie du Sac, WI 53578

Wisconsin Pork Association – Mike Wehler
P.O. Box 327, Lancaster, WI 53813

Wisconsin Potato and Vegetable Growers Association – Duane Maatz
P.O. Box 327, Antigo, WI 54409

Wisconsin Poultry and Egg Association – Pat Stonger
533 E. Tyranena Park Rd., Lake Mills, WI 53551

Wisconsin Soybean Association – Bob Karls
2976 Triverton Pike Dr., Madison, WI 53711-5898

Wisconsin State Cranberry Growers Association – Tom Lochner
132 E. Grand Ave., Suite 202, Wisconsin Rapids, WI 54495-0365

Wisconsin Veterinary Medical Association – Kim Pokorny
2801 Crossroads Drive, Suite 1200, Madison, WI 53704

Cc: Secretary Mike Huebsch
Secretary Ben Brancel

Appendix 8: Letter from Wisconsin Veterinary Medical Association Representatives

2801 Crossroads Drive
Suite 1200
Madison, WI 53718
(608) 257-3565
Fax: (608) 257-8989
wvma@wvma.org

www.wvma.org

December 3, 2013

Mr. Joe Knilans and Ms. Nancy Mistele
Wisconsin Department of Administration
Office of Business Development
101 East Wilson Street, 10th Floor
P.O. Box 7864
Madison, WI 53707-7864

VIA EMAIL and U.S. MAIL

RE: Request from the Wisconsin Veterinary Medical Association to Move the Veterinary Examining Board from DSPS to DATCP

Dear Mr. Knilans and Ms. Mistele:

On behalf of the Board of Directors of the Wisconsin Veterinary Medical Association (WVMA), I am writing to formally request that you consider the merits of the following changes as a part of your study of the Wisconsin Department of Safety and Professional Services (DSPS):

(1) Move the Veterinary Examining Board (VEB) from DSPS to the Department of Agriculture, Trade and Consumer Protection (DATCP);

(2) Move the enforcement authority for unauthorized practice of veterinary medicine to DATCP (currently with the DSPS Division of Enforcement); and

(3) The VEB to remain an independent board.

In our opinion, moving the VEB to DATCP would increase the efficiency and quality of the services available to the VEB, the public and licensed veterinarians in Wisconsin for the following reasons:

- DATCP houses the Wisconsin State Veterinarian;
- DATCP houses the state Division of Animal Health, which works to protect animal and human health, and to control serious animal diseases (many of which also threaten humans);
- DATCP houses the state Division of Food Safety, which works to ensure the production and delivery of safe food to consumers (veterinarians play a vital role in animal food production); and
- DATCP's attorneys are familiar with both animal health and consumer protection issues and will be well-suited to handling VEB support, as well as unauthorized practice enforcement issues.

We do not recommend the transfer of any staff from DSPS to DATCP. Rather, we recommend transferring the funding for staff positions and allowing the Secretary of DATCP to use that funding to compensate existing or new staff members to handle VEB support and unauthorized practice issues.

Thank you for your consideration.

Sincerely,

Chris Booth, DVM
President, WVMA Board of Directors

cc Kim Pokorny, Executive Director, WVMA
Jordan Lamb, DeWitt Ross & Stevens

Appendix 9: Letter from Professional Association of Wisconsin Licensed Investigators

Joe Knilans – Director
Office of Business Development
P.O. Box 7864
Madison, WI 53705-7854

Re: Private Investigator Licensing and Restructuring

Mr. Knilans:

I appreciate this opportunity to work with you on the restructuring. For the last 7 years, I have been working on the need for improvement of the professionalism for investigators in Wisconsin.

There are a surprisingly large number per capita of investigators licensed. Four times that of Minnesota, and double that of Illinois. (See the report on the surrounding states also sent to you).

The last 5 years, I have been president of the association in Wisconsin and the main focus has been on education. If a person has chosen a profession and wishes make a living with that profession, it would seem logical that they would want to be good at the job. Failing to keep up on the regulations, laws and techniques would make them less likely to make their client happy.

Our association, Professional Association Of Wisconsin Licensed Investigators, has a Professional Review Committee. This might be considered as Internal Affairs. A few times a year we receive complaints from clients about the way an investigator handled a case. This might be anything from lack of professional service to in appropriate conduct. Whatever the complaint, whether or not the accused is a member, every dissatisfied client affects the reputation of all investigators.

For those that are not members, all we can do is to refer the plaintiff to the state. If a member, we do have a certain amount of pressure we can apply to help satisfy the problem.

Out of the almost 800 licenses issued, (I believe that is the number given to me by your office), we have only 150 members. So we know that 150 of them care enough about being better that they sought out sources of knowledge, or at least thinking that being able to claim membership makes them look better in an advertisement. So that puts them ahead of the 650 who don't even do that.

During the year we have regional and one day seminars in addition to the Annual Conference lasting 2 1/2 days and covering 12 – 15 hours of training; law changes, tactics, techniques, equipment are just some of the topics presented.

We have a survey permanently active on the website for the membership to let us know what they want to learn. We have an email group handling 10 – 20 emails a day exchanging ideas and answering questions about an aspect of a case.

So, from the 800 we are down to 150 who find advantages in joining PAWLI. Now, the next step is the number who actually attend conferences. That reduces it to a little less than 100. So we have 100 licensed investigators in the state who actively care about being good at their job. That means that 700 don't think they need to learn anything, or just don't care

Just one example of the problems we face. And the answer is reducing the number of persons gaining a license with little to no desire to do the job well

.

So the first question is, “how easy is it to get a license?”

There are no requirements. Pass a test and buy insurance. Think of professional investigators being the same as police. We handle all the same cases, criminal defense, family law, insurance fraud, corporate white collar and the security agent handles the equivalent of the patrol officer. It takes an associate degree in Criminal Justice to be eligible to be hired by the police department.

Minnesota and Illinois require thousands of hours of training in the job before they can get their own license. They also require continuing education credits.

So what can be done to help fix the problem?

In the past, my conversations with the state have boiled down to one obstacle in mandatory CEUs. The state cannot dedicate the funds required to monitor training. Funds are hard to come by, I get that. So I have spent the last three years creating the answer.

The PAWLI website has been designed to keep track of CEUs. Every person who attends a class, no matter from where or who, if pertinent and accredited, they get the units documented. For right now, it is working for all members in the database. And the database does not have a limit of how many can be recorded. The programming keeps track of the topic the date and number of credits received. One year from the date received, the credit automatically drops. (this can be changed to any interval future regulation might require). And when needed, the individual logs in and prints out a certificate as needed for proof of attendance.

This is good for members, but what about everyone else?

The site was designed for handling members and non-members. The only difference is the rest of the benefits of being a member are not available to non-members but they would still have the credits documented and certificates available.

So how do we keep track of who attends what?

A couple years ago, I presented the state with a proposition on a credential for investigators that would be more formal and professional than the coupon issued by the state. To review the conversations, the barber or tattoo artist would rarely have to pull the license out of the wallet to get the job done. But an investigator does this daily. It is the proof on the street that they are a professional doing their job and the piece of paper just does not even look real.

The result is a design for an ID that officially is a PAWLI membership card. A picture ID that is laminated plastic with hologram security, listing the name, license number and agency. More to the point at this time, it also has a RFID chip in the card. PAWLI is in the process of implementing another design feature of the website. Keeping track of who attended what.

Let’s say that 750 people are attending the annual conference. The schedule is programmed in so the computer knows what is being presented at what time. As the person walks in, they are scanned and documented for being present without even removing their wallet. If they turn around and leave, it documents that also. At the end of the day, a person could log into the database and see the credits accumulated on that day already credited.

So, you see, PAWLI has provided the answer to keeping track. It is not a proposal for something that can be done. It is up and working. PAWLI can provide IDs for the non-members as well so they will be able to take advantage of the technology, but it is also a better answer that the state issue similar ID cards as credentials to all investigators and security agents so the additional card is not necessary.

All of this helps the professionalism in two ways:

1. If a licensee is required to keep up with the changes in the profession like a considerable number of other Wisconsin professions with far less impact on the security of the citizen, then those who do not wish to participate will not be allowed to have a license.
2. Those who feel that being good at their job is worth the effort in training will then have raised the level of professionalism. Which was the goal in the first place.

The additional topic of concern was the transfer of regulation from DSPS to Agriculture. Not sure why Agriculture other than maybe there is some correlation of process.

I suggested in our short phone conversation that I would like to see the Investigators and Security under the Attorney General. As mentioned above, the job is very similar to the law enforcement. We work the same jobs, we testify in court, process and present evidence and many other points of similarity.

I am not suggesting that the requirements for obtaining an investigators license be the same as law enforcement. That high of standard is nice but not practical. But positioning this profession under the division that understands the requirements of the job, allows for future developments to be more easily implemented. Much like Minnesota's PIs under the Bureau of Criminal Apprehension.

Again, I appreciate the opportunity to present my ideas. I am anxious to work with you, finding a way to make changes that improve the professionalism. I am available for any committee. As the president of PAWLI it is my proud job to represent the profession in this state and I look forward to future discussions.

James Greenwold
President – PAWLI

715-726-1400

Illinois Requirements

Illinois Requirements Licensing of Private Investigators And Proprietary Security Force

Illinois has a different license for Security and Investigator
As of October of 2013 , there are 1091 investigators and 560 security personnel. There is also an agency license for each of those.

Applicant is the Licensee in charge. Structured under Sole Proprietor, Partnership or Corporation..

Additionally, there is a Permanent Employee Registration Card (PERC) that can be held by employees of an agency for which there has to be at least one full license holder.

Investigators can carry fire arms after 40 hours of training. There are no restrictions as to where you can carry. Every 2 years the investigator has to re-qualify with a formal test.

An examination is necessarily passed by 70% or greater to qualify. The passing score is valid for 6 years at which time it becomes void. Then the applicant needs to reapply with the full process.

In January, IL will be enacting their citizen carry permit. It is still not decided if this permit will replace the current or if it will have restrictions that the current one does not.

The license is for 3 years. There is a $500 initial fee and then $450 for each renewal. The Agency license is approximately the same price and duration.

The PERC card is $55 and a $45 renewal fee every year.

All holders have the same renewal date, May 31st.

Liability insurance is mandatory. There is no bond required.

Some one with a PERC card has to acquire 3 years experience out of the last 5 years before applying for a PI license.

Illinois PI Requirements Private Detective Licensure Exam Information

Experience / Education Documentation

Fees are charged for the process of applying.
Firearms control card $75 and a renewal fee of $45.
Proprietary Security Force fee is $300 and the renewal is $200.
Firearm instructor application fee is $75 with a renewal of $45.
A 40 hour Firearm Training Course has a $100 application fee.

Fingerprints from vendor licensed by Illinois for background

Regulations for Investigators and Security are listed in the Public Acts

If you want to download the Public Act in its entirety there is a PDF available.

All applicants should review the changes to the Public Act.

Lincensure by endorsement is no longer available. Everyone has to take and pass exam.

Illinois Requirements

SUBPART A: PRIVATE DETECTIVE

Section 1240.10 Application for Examination and Licensure – Private Detective
Section 1240.20 Application for Licensure – Private Detective Agency

SUBPART B: PRIVATE ALARM

Section 1240.100 Application for Examination and Licensure – Private Alarm Contractor
Section 1240.110 Application for Licensure – Private Alarm Contractor Agency

SUBPART C: PRIVATE SECURITY

Section 1240.200 Application for Examination and Licensure – Private Security Contractor
Section 1240.210 Application for Licensure – Private Security Contractor Agency

SUBPART D: LOCKSMITH

Section 1240.300 Application for Examination and Licensure – Locksmith
Section 1240.310 20 Hour Basic Training Course – Locksmith
Section 1240.320 Record keeping Requirements – Locksmith (Repealed)
Section 1240.330 Application for Licensure – Locksmith Agency

SUBPART E: PROPRIETARY SECURITY FORCE

Section 1240.400 Registration of Proprietary Security Force

SUBPART F: GENERAL

Section 1240.500 Definitions
Section 1240.501 Licensee-in-charge
Section 1240.502 Application for Branch Office License
Section 1240.505 20-Hour Basic Training Course – Private Detective, Alarm Contractor, Security
Section 1240.510 Firearm Training Course
Section 1240.515 Approval of Firearm Training Programs and Firearm Instructors
Section 1240.520 Permanent Employee Registration Card
Section 1240.525 Refusal to Issue Registration Card or FCC Due to Criminal Record Information
Section 1240.530 Firearm Control Cards
Section 1240.535 Record-keeper Requirements
Section 1240.540 Reporting Requirements
Section 1240.550 Renewals
Section 1240.555 Endorsement
Section 1240.560 Restoration
Section 1240.561 Inactive Status
Section 1240.565 Requests for Duplicate Certificates
Section 1240.570 Fees
Section 1240.575 Conduct of Hearings
Section 1240.580 Investigation by the Division
Section 1240.585 Granting Variances

SUBPART G: FINGERPRINT VENDOR

Section 1240.600 Application for Licensure – Fingerprint Vendor
Section 1240.610 Licensure - Fingerprint Vendor Agency
Section 1240.620 Fingerprint Vendor – Standards, Unethical, Unauthorized, Conduct
Section 1240.630 Fingerprint Vendor – Training

SUBPART H: CANINE HANDLER

Section 1240.700 Canine Handler Training Course Requirements
Section 1240.710 Canine Handler Authorization Card
Section 1240.720 Canine Handler Training Program
Section 1240.730 Canine Trainer Authorization Card
Section 1240.740 Canine Handler and Canine Training Instructor – Unprofessional Conduct

Minnesota Requirements

Minnesota Investigator and Protective Agents Application Procedures

The division of "types" of license holders are divided into:

Individual - which is listed as a sole proprietor
- A person with a corporation related to the business can not claim sole proprietorship.

Partnership or Corporation.
- A "Qualified Representative managing the day to day business is the license holder.
- A Minnesota Manager is the holder if the business is based out side of MN.

Insurance policy for applicant alone @ $10,000 to 51 employees @ $100,000.
A Surety Bond of $10,000 at the time of application.

Mandatory employment experience.
Document 6,000 hrs of investigative experience in 1 or more of:
Private Investigator
- As an investigator with a licensed agency
- U.S. Government
- Police department
- Other experience that the board would deem relevant.

A protective agent has the same requirements just replace investigator with PA. Additionally, PA requires experience in security systems, audits, and supervisor of other security personnel.

There are 211 private investigators and 100 security agents licensed in the state.

Fees for investigators:
- Individual $1000
- Partnership LLP $1700
- Corporation LLC $1900

Director is trying to change 0-1 person $540 PI license

- Fees for Protective Agents:
- Individual $1,000
- Partnership LLP $1,700
- Corporation LLC $1,900

No test is taken
Experience package is submitted to board and, upon successful evaluation, board grants license.

Preliminary training of 12 hours before field operations
Mandatory CEUs 12 hr / 2 years
12 additional hours / 2 yr for firearm training if applicable.

Director Greg Cook is working on a statute to make unlicensed activity a felony. Now just the now $35 fine.

No ID for carry is issued by state, however the individual is allowed to purchase an ID from an outside vendor.

Minnesota Requirements

Minnesota Department of Safety

General Licensing Information

Application and Requirements

To request an application packet, send a $25 check or money order.

License Holders

Private Detective License Holders Protective Agent License Holders

Fees

Fee Schedule

Minnesota Administrative Rules

General

7506.0100 Definitions.
7506.0110 Internal procedures.
7506.0120 [Repealed, 22 sr 711]
7506.0130 Licensing and qualification.
7506.0140 Fees.
7506.0150 Conduct and ethics.
7506.0160 Complaint procedures.
7506.0170 Penalties.
7506.0180 License reinstatement.

Certified training programs

7506.2200 Board certification of training programs.
7506.2300 Minimum req for board-certified training programs.
7506.2500 Revocation or suspension of certification status.
7506.2600 Preassignment or on-the-job training requirements.
7506.2700 Continuing education requirements.
7506.2900 Failure to satisfy training requirements.

Minnesota Requirements

Statutes For
Private Detective and Protective Agent Services

Definitions MNS§326.32

Employees of license holders MNS§326.336
- Background check
- ID card
- Failure to return property
- Confidentiality

Training MNS§326.3361
- Rules
- Required content
- Use of weapons
- Full-time peace officers

Persons as Private Detectives or Protective Agents MNS§326.338
- Private Detective
- Protective Agent

Exemptions MNS§326.3341

Licenses MNS§326.3381
- Prohibition
- Application procedures
- Disqualification
- Business entry applicant
- Nonresident applicant

Application for license MNS§326.3382
- Application form
- Documents accompanying application
- Proof of insurance (Bond and proof of financial responsibility)
- License disqualification
- Special protective agent classification

License Re issuance MNS§326.3383
- Requirements
- Appearance
- Bond and proof of financial responsibility

Prohibited Acts MNS§326.3384
- Prohibition
- Penalty

Conditions of Licensing MNS§326.3385
- Notice of address change
- Notice of successor
- Surrender of license
- Penalty

Fees MNS§326.3386

Disciplinary Action MNS§326.3387

Administrative Penalties MNS§326.3388

Licenses Nontransferable MNS§326.3389

Violations; Penalty MNS§326.339

Iowa Regulations

Iowa Requirements
Private Investigators and Security Agents

Iowa requires a license to operate in the state. The license packets are available for $15 by mail or $10 at the door.

Employees of an agency are to obtain an employee ID card and must meet the same standards as the license holder.

Iowa does have mandatory CEUs of 12 hours accumulated during a 2 year period or the license will not be renewed. Credits gained from other states are transferrable. 50 minutes minimum equal 1 hour. 100 minutes equal 2 hours. 99 minutes equal 1 hour.
A program qualifies if:

- Outline is prepared in advance
- Lasts at least 50 minutes
- Is presented by a qualified instructor, background and experience documented.
- A record of attendance is maintained.

There is no examination process to obtain a license.

Most current count is 255 investigators and 120 security.

A 2 year license is issued at a cost of $100 and an ID card cost is $10. Fingerprinting and background check is $30.

The ID card is issued with the name of an agency. So working for more than one agency, (which is permitted), would require more than one ID card. You have to carry the ID all the time you are working. Failure can result in suspension. The card belongs to the state. For what ever reason you are no longer in business, the card is to be surrendered.

Renewal of the license has to be applied for with 2 new fingerprint cards., 30 days before the expiration. If received after expiration of the license, apparently the state wants you to start over again.

Iowa offers reciprocity with other states that have similar requirements. A temporary permit is issued for a period of 90 days. But to note, the cost of the 90 day permit is the same as a 2 year license.

Iowa does require insurance in the name of the agency on the application.

Iowa does require a bond of $5000 issues by a bond company licensed to work in Iowa. If more than one service, i.e.: Detective and Security, the bond is bumped up to $10,000.

Uniforms, badges hats, and patches are not permitted without written approval from the commissioner.

Written reports have to be submitted to every client unless a signed waiver is possessed. Reports are to kept for at least 3 years.

Carrying a weapon while working must meet Iowa Admin code 661 chapter 4.

Application Packet Check List

Iowa Code 80A

Administrative Rules

Indiana Regulations

Indiana Requirements
Private Investigators and Security Agents

Indiana has a few things in common with states listed above and a couple things that are unique. The requirements are mostly historical:

- Requires at least 4,000 hours of experience. (2 years full time employ.)
- Background check back 7 years, state, local and fed.
- Errors and Omission liability insurance of $100,000
- Academic transcripts for those who have a cert in criminal justice
- DD 214 from military service
- Corporate filing paper work for those who are not sole proprietors.

Application fee is $300. $150 if the expiration date is less than one year from application. Renewal is the same $300. Late fee of $50 and an additional $10 for a wall or packet card.

Unless you spend the $10 for the certificate, there is no personal carry license unless you make your own. The same rules apply as others, no seals or words that imply state agency affiliation.

Application

License expires every 4 years on October 1st. (Next is 2015.)

The license holder in an agency is licensed but the employees are not. It is the responsibility of the agency to regulate the activities of the employees.

There is 488 agencies licensed as investigators and 381 as security.

The state requires no test nor CEUs.

An out of state agency no longer needs to keep an office within the boarders.

A licensee shall maintain a record, relative to the licensee's employees, containing the following information:

- A picture taken within thirty (30) days of the date that the employee commences employment with the licensee.
- A full set of fingerprints of both hands of the employee.
- A licensed private investigator firm shall, at the board's request, provide the board with a roster of all unlicensed individuals employed by the private investigator firm.

The link below will give you the long version if you want all the details.

Licensure Law and Regulations

Michigan Requirements

Michigan Regulations
Private Investigators and Security Agents.

In Michigan the age of licensure is 25, must have a GED or better. As with all, no felonies but then carries it further than most by adding no misdemeanors involving dishonesty, fraud, (which is redundant), controlled substances, 2 or more alcohol related offenses, or carrying a firearm, impersonating a LEO or divulge information or evidence.

If currently law enforcement, must have written permission from their boss.

Must have 3 years experience to get a license.

There is no exam for the license nor CEUs required.

A new twist is 5 notarized Personal Reference Forms from individuals that can attest to you being a good and honest person.

The application fee is $150 and an initial fee of $600.
A bond is required for $10,000 or
Insurance is required for, (a little more detailed):

- $10,000 Property Damage
- $100,000 Injury or death
- $200,000 If more than one person involved

Fees are $750 for everyone, no matter what business status. But the paperwork for the corporate and partnership is a little more work than the sole proprietor.

The license is valid for 3 years. Beyond the “hang on the wall” certificate, Michigan does issue a picture ID that must be carried by each licensed individual. The license is issued to the sole proprietor, partners or corporate members.

Other investigators on staff would not have an ID issued by the state but can have one from a vendor that meets the criteria of, no state seals or wording that sounds like state issue.

The recent count is 580 PIs and 277 Security Agents.

The Director of the State Department has to report the count of licenses accepted or denied by December 1st.

Application forms

Michigan Requirements

Michigan Requirements
Professional Investigator Licensure Act

Section 338.821	Section Short title.
Section 338.822	Section Definitions.
Section 338.823	Section License required; investigation of prohibited activities; civil or criminal action; violation; penalty.
Section 338.824	Section Exemptions from act.
Section 338.825	Section License; issuance, duration.
Section 338.826	Section License; qualifications; reciprocal agreements.
Section 338.827	Section Application for license; notarized statement as to qualifications investigation of applicant.
Section 338.828	Section Application for license by corporation; contents; copy of incorporation certificate.
Section 338.829	Section License; conditions of issuance; fee; duration; suspension or revocation; bonds; filing completed application; issuance of license within certain time period; report; “completed application” defined.
Section 338.830	Section License; suspension or revocation; grounds; surrendering license and identification card; noncompliance as misdemeanor.
Section 338.831	Section License fee; refund; conditions.
Section 338.832	Section License; posting.
Section 338.833	Section Reporting name or location change in agency; new license.
Section 338.834	Section Identification card; issuance; form and contents; maintenance, custody, and control; duplicates.
Section 338.835	Section Non assignability of license.
Section 338.836	Section Display of unauthorized badge, shield, identification card, or license; violation; penalties.
Section 338.837	Section Licensees; employment of assistants; records; false state ments; fingerprints.
Section 338.838	Section Hiring of person convicted of certain felonies or misdemeanors prohibited; refusal to surrender license or identification card.
Section 338.839	Section Carrying deadly weapon; license required.
Section 338.840	Section Divulging of information; willful sale of or furnishing false infor mation; penalty; privileged communications; notice and hearing.
Section 338.841	Section Violation of act; report of conviction by prosecuting attorney.
Section 338.842	Section Advertising; contents; misleading advertising; notice.
Section 338.843	Section Trade names; approval by department.
Section 338.844	Section Record of business transaction and reports; retention.
Section 338.845	Section Investigation of applicants; complaints; subpoenas; fees; fail ure to obey; penalty; testimony under oath.
Section 338.846	Section License; renewal; fee; bond.
Section 338.847	Section Death of licensee; carrying on business; notice to department; sale of business.
Section 338.848	Section Employment of agents; rules.
Section 338.849	Section Application of act as to license applications and renewals.
Section 338.850	Section Repeals.
Section 338.851	Section Violation; penalty.

Wisconsin Requirements

Wisconsin Requirements
Professional Investigators and Security Agents

Last but not least is our state. Most will have known enough to get you through the test in the first place. And some will have learned a little more along the way. Wisconsin does not have continuing education, so it is possible that picking up things along the way might take longer than desired.

Of course PAWLI has come to the rescue for those who want to know more than the minimum: Check out the info on the upcoming conference.

Most of the following, everyone who is reading this, knows because you have already done it. But there are those searching the information so I have to fill in the blanks.

Now, the part that takes all the information from the other states and compares that data to what Wisconsin requires.

As with the other states, if you are going to advertise and do the work of an investigator, you need a license. The exceptions are:

- If you work for one law firm only
- An off duty LEO with written permission from the boss.

Can't have "no stinking badges".
Unlike most of the others, "Don't need no experience."
Pass a fingerprint background and a written test.

The test is 100 questions covering Wis Statutes and administrative codes relevant to PIs. The Statutes are linked below and the codes link given came up with a "no page". Went to the page with all the professional codes and the PIs were not listed. So the best I can find are search results covering some interesting things.

No felonies without a pardon
Can have misdemeanor under departments discretion.

Unlike most that require an agency and then a few hours to get to work, Wisconsin requires you to get a license personally. Then work for a licensed agency.

The full 118 pages of statutes are in a PDF.
But what pertains is found at 440.26 Subchapter II

For those of you working on or helping others, I'll toss in the forms.

And the instructions for the packet.

Renewal Fee is $115 both PIs and Security and $107 for agencies.
Last is insurance, requiring general liability or, (get this) a $2000 bond.
No exacting numbers are known for the licensee count, but it is some where around 750.

Epilog
It is no secret that I have continued the effort of presidential predecessors by lobbying for CEUs. If you have made it through this article you have read about how some states have higher requirements in some things and less in others. I, for one, and I know that all the investigators who show up for the conference agree, that Wisconsin Professional Investigators should want to be the best they can be in their profession, not just get by on the minimum or the average. And those who are just doing what they are required to do, really do harm the reputation of the rest of us. Please go to your "profile" on the PAWLI site and fill out the survey. It has a few more questions just for this occasion. A couple minutes to advance our profession.

James Greenwold
President PAWLI

State of Wisconsin
Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:	2) Date When Request Submitted:
Ashley Horton Department Monitor Division of Legal Services and Compliance	December 20, 2013 **Items will be considered late if submitted after 4:30 p.m. and less than:** ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others

3) Name of Board, Committee, Council, Sections:

4) Meeting Date:	5) Attachments:	6) How should the item be titled on the agenda page?
	☒ Yes ☐ No	Appointment of Professional Assistance Procedure (PAP) Liaison

7) Place Item in:	8) Is an appearance before the Board being scheduled?	9) Name of Case Advisor(s), if required:
☒ Open Session ☐ Closed Session ☐ Both	☐ Yes (Fill out Board Appearance Request) ☒ No	

10) Describe the issue and action that should be addressed:

Appointment of 2014 PAP Liaison - *see Wis. Admin. Code SPS ch. 7, attached, for Liaison duties*

11) Authorization

December 20, 2013

Signature of person making this request **Date**

Supervisor (if required) **Date**

Executive Director signature (indicates approval to add post agenda deadline item to agenda) **Date**

Directions for including supporting documents:
1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.
3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.

Revised 10/12

Chapter SPS 7

PROFESSIONAL ASSISTANCE PROCEDURE

SPS 7.01	Authority and intent.
SPS 7.02	Definitions.
SPS 7.03	Referral to and eligibility for the procedure.
SPS 7.04	Requirements for participation.
SPS 7.05	Agreement for participation.
SPS 7.06	Standards for approval of treatment facilities or individual therapists.
SPS 7.07	Intradepartmental referral.
SPS 7.08	Records.
SPS 7.09	Report.
SPS 7.10	Applicability of procedures to direct licensing by the department.
SPS 7.11	Approval of drug testing programs.

Note: Chapter RL 7 was renumbered chapter SPS 7 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671

SPS 7.01 Authority and intent. (1) The rules in this chapter are adopted pursuant to authority in ss. 15.08 (5) (b), 51.30, 146.82, 227.11 and 440.03, Stats.

(2) The intent of the department in adopting rules in this chapter is to protect the public from credential holders who are impaired by reason of their abuse of alcohol or other drugs by promoting early identification of chemically dependent professionals and encouraging rehabilitation. This goal will be advanced by providing an option that may be used in conjunction with the formal disciplinary process for qualified credential holders committed to their own recovery. This procedure is intended to apply when allegations are made that a credential holder has practiced a profession while impaired by alcohol or other drugs or whose ability to practice is impaired by alcohol or other drugs or when a credential holder contacts the department and requests to participate in the procedure. It may be used in conjunction with the formal disciplinary process in situations where allegations exist that a credential holder has committed misconduct, negligence or violations of law, other than practice while impaired by alcohol or other drugs. The procedure may then be utilized to promote early identification of chemically dependent professionals and encourage their rehabilitation. Finally, the department's procedure does not seek to diminish the prosecution of serious violations but rather it attempts to address the problem of alcohol and other drug abuse within the enforcement jurisdiction of the department.

(3) In administering this program, the department intends to encourage board members to share professional expertise so that all boards in the department have access to a range of professional expertise to handle problems involving impaired professionals.

History: Cr. Register, January, 1991, No. 421, eff. 2−1−91; am. (2), Register, July, 1996, No. 487, eff. 8−1−96; CR 10−081: am. (2) Register December 2010 No. 660, eff. 1−1−11.

SPS 7.02 Definitions. In this chapter:

(1) "Board" means any board, examining board or affiliated credentialing board attached to the department.

(2) "Board liaison" means the board member designated by the board or the secretary or the secretary's designee as responsible for approving credential holders for the professional assistance procedure under s. SPS 7.03, for monitoring compliance with the requirements for participation under s. SPS 7.04, and for performing other responsibilities delegated to the board liaison under these rules.

(2a) "Coordinator" means a department employee who coordinates the professional assistance procedure.

(2b) "Credential holder" means a person holding any license, permit, certificate or registration granted by the department or any board. For purposes of this chapter, "credential holder" includes a person with a pending application for a credential for a period not to exceed one year from the date the application for the credential was submitted to the department.

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

(4) "Division" means the division of enforcement in the department.

(5) "Informal complaint" means any written information submitted by any person to the division, department or any board which requests that a disciplinary proceeding be commenced against a credential holder or which alleges facts, which if true, warrant discipline. "Informal complaint" includes requests for disciplinary proceedings under s. 440.20, Stats.

(6) "Medical review officer" means a medical doctor or doctor of osteopathy who is a licensed physician and who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with an individual's medical history and any other relevant biomedical information.

(7) "Procedure" means the professional assistance procedure.

(8) "Program" means any entity approved by the department to provide the full scope of drug testing services for the department.

History: Cr. Register, January, 1991, No. 421, eff. 2−1−91; am. (1), (2), (5), cr. (2a), (2b), r. (6), Register, July, 1996, No. 487, eff. 8−1−96; cr. (6) and (8), Register, January, 2001, No. 541, eff. 2−1−01; CR 10−081: am. (1) to (2b), (7) Register December 2010 No. 660, eff. 1−1−11; **correction in (2), (3) made under s. 13.92 (4) (b) 6., 7., Register November 2011 No. 671.**

SPS 7.03 Referral to and eligibility for the procedure. (1) A credential holder who contacts the department and requests to participate in the procedure shall be referred to the board liaison and the coordinator for determination of acceptance into the procedure.

(2) A credential holder who has been referred to the procedure and considered for eligibility shall be provided with an application for participation.

(3) All informal complaints involving allegations of impairment due to alcohol or chemical dependency shall be screened and investigated pursuant to s. SPS 2.035. After investigation, informal complaints involving impairment may be referred to the procedure along with a summary of the investigative results in the form of a draft statement of conduct to be used as a basis for the statement of conduct under s. SPS 7.05 (1) (a) and considered for eligibility for the procedure or for formal disciplinary proceedings under ch. SPS 2. The credential holder shall be provided with a written explanation of the credential holder's options for resolution of the matter through participation in the procedure and of the formal disciplinary process pursuant to ch. SPS 2.

(4) Eligibility for the procedure shall be determined by the board liaison and coordinator who shall review all relevant materials including investigative results and the credential holder's application for participation. Eligibility shall be determined upon criteria developed by the coordinator in consultation with the disciplinary authority. The decision on eligibility shall be consistent with the purposes of these procedures as described in s. SPS 7.01 (2). Credential holders who have committed violations of law may be eligible for the procedure. The board liaison shall have

responsibility to make the determination of eligibility for the procedure.

(5) The credential holder shall obtain a comprehensive assessment for chemical dependency from a treatment facility or individual therapist approved under s. SPS 7.06. The credential holder shall arrange for the treatment facility or individual therapist to file a copy of its assessment with the board liaison or coordinator. The board liaison and the credential holder may agree to waive this requirement. The obtaining of the assessment shall not delay admission into the procedure.

(6) If a credential holder is determined to be ineligible for the procedure, the credential holder may be referred to the division for prosecution.

(7) A credential holder determined to be ineligible for the procedure by the board liaison or the department may, within 10 days of notice of the determination, request the credentialing authority to review the adverse determination.

History: Cr. Register, January, 1991, No. 421, eff. 2−1−91; am. (2) to (6), Register, July, 1996, No. 487, eff. 8−1−96; CR 10−081: renum. (1) and (3) to (6) to be (3) to (7) and am. (3) to (6), cr. (1), am. (2) Register December 2010 No. 660, eff. 1−1−11; **correction in (3), (4), (5) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.**

SPS 7.04 Requirements for participation. (1) A credential holder who participates in the procedure shall:

(a) Sign an agreement for participation under s. SPS 7.05.

(b) Remain free of alcohol, controlled substances, and prescription drugs, unless prescribed for a valid medical purpose.

(c) Timely enroll and participate in a program for the treatment of chemical dependency conducted by a facility or individual therapist approved pursuant to s. SPS 7.06.

(d) Comply with any treatment recommendations and work restrictions or conditions deemed necessary by the board liaison or department.

(e) Submit random monitored physiological specimens for the purpose of screening for alcohol or controlled substances provided by a drug testing program approved by the department under s. SPS 7.11, as required.

(f) Execute releases valid under state and federal law to allow access to the credential holder's counseling, treatment and monitoring records.

(g) Have the credential holder's supervising therapist and work supervisors file quarterly reports with the coordinator.

(h) Notify the coordinator of any changes in the credential holder's employer within 5 days.

(i) File quarterly reports documenting the credential holder's attendance at meetings of self−help groups such as alcoholics anonymous or narcotics anonymous.

(2) If the board liaison or department determines, based on consultation with the person authorized to provide treatment to the credential holder or monitor the credential holder's enrollment or participation in the procedure, or monitor any drug screening requirements or restrictions on employment under sub. (1), that a credential holder participating in the procedure has failed to meet any of the requirements set under sub. (1), the board liaison may refer the credential holder to the division. A failure to maintain abstinence is considered a relapse and shall be reviewed by the board liaison to determine whether the credential holder should be referred to the division. The board liaison may review the complete record in making this determination.

(3) If a credential holder violates the agreement and no referral to the division occurs, then a new admission under s. SPS 7.05 (1) (a) shall be obtained for relapses and for misconduct, negligence or violations of law which are substantial. If a new admission is not obtained, then a referral to the division by the coordinator shall occur.

History: Cr. Register, January, 1991, No. 421, eff. 2−1−91; am. Register, July, 1996, No. 487, eff. 8−1−96; am. (1) (e), Register, January, 2001, No. 541, eff. 2−1−01; CR 10−081: am. (1) (e), (f), (2), (3) Register December 2010 No. 660, eff. 1−1−11; **correction in (1) (a), (c), (e), (3) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.**

SPS 7.05 Agreement for participation. (1) The agreement for participation in the procedure shall at a minimum include:

(a) A statement describing conduct the credential holder agrees occurred relating to participation in the procedure and an agreement that the statement may be used as evidence in any disciplinary proceeding under ch. SPS 2.

(b) An acknowledgement by the credential holder of the need for treatment for chemical dependency;

(c) An agreement to participate at the credential holder's expense in an approved treatment regimen.

(d) An agreement to submit to random monitored drug screens provided by a drug testing program approved by the department under s. SPS 7.11 at the credential holder's expense, if deemed necessary by the board liaison.

(e) An agreement to submit to practice restrictions at any time during the treatment regimen as deemed necessary by the board liaison.

(f) An agreement to furnish the coordinator with signed consents for release of information from treatment providers and employers authorizing the release of information to the coordinator and board liaison for the purpose of monitoring the credential holder's participation in the procedure.

(g) An agreement to authorize the board liaison or coordinator to release information described in pars. (a), (c) and (e), the fact that a credential holder has been dismissed under s. SPS 7.07 (3) (a) or violated terms of the agreement in s. SPS 7.04 (1) (b) to (e) and (h) concerning the credential holder's participation in the procedure to the employer, therapist or treatment facility identified by the credential holder and an agreement to authorize the coordinator to release the results of random monitored drug screens under par. (d) to the therapist identified by the credential holder.

(h) An agreement to participate in the procedure for a period of time as established by the board.

(2) The board liaison may include additional requirements for an individual credential holder, if the circumstances of the informal complaint or the credential holder's condition warrant additional safeguards.

(3) The board or board liaison may include a promise of confidentiality that all or certain records shall remain closed and not available for public inspection and copying. Any promise is subject to s. SPS 7.08 and ends upon a referral to the division. Information and records may be made available to staff within the department on an as−needed basis, to be determined by the coordinator.

History: Cr. Register, January, 1991, No. 421, eff. 2−1−91; am. (1) (a) to (g) and (2), Register, July, 1996, No. 487, eff. 8−1−96; am. (1) (d), Register, January, 2001, No. 541, eff. 2−1−011; CR 10−081: am. (3) Register December 2010 No. 660, eff. 1−1−11; **correction in (1) (a), (d), (g), (3) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.**

SPS 7.06 Standards for approval of treatment facilities or individual therapists. (1) The board or board liaison shall approve a treatment facility designated by a credential holder for the purpose of participation in the procedure if:

(a) The facility is certified by appropriate national or state certification agencies.

(b) The treatment program focus at the facility is on the individual with drug and alcohol abuse problems.

(c) Facility treatment plans and protocols are available to the board liaison and coordinator.

(d) The facility, through the credential holder's supervising therapist, agrees to file reports as required, including quarterly progress reports and immediate reports if a credential holder withdraws from therapy, relapses, or is believed to be in an unsafe condition to practice.

The Wisconsin Administrative Code on this web site is current through the last published Wisconsin Register. See also Are the Codes on this Website Official?

(2) As an alternative to participation by means of a treatment facility, a credential holder may designate an individual therapist for the purpose of participation in the procedure. The board liaison shall approve an individual therapist who:

(a) Has credentials and experience determined by the board liaison to be in the credential holder's area of need.

(b) Agrees to perform an appropriate assessment of the credential holder's therapeutic needs and to establish and implement a comprehensive treatment regimen for the credential holder.

(c) Forwards copies of the therapist's treatment regimen and office protocols to the coordinator.

(d) Agrees to file reports as required to the coordinator, including quarterly progress reports and immediate reports if a credential holder withdraws from therapy, relapses, or is believed to be in an unsafe condition to practice.

(3) If a board liaison does not approve a treatment facility or therapist as requested by the credential holder, the credential holder may, within 10 days of notice of the determination, request the board to review the board liaison's adverse determination.

History: Cr. Register, January, 1991, No. 421, eff. 2−1−91; am. Register, July, 1996, No. 487, eff. 8−1−96; r. (1) (d) and (2) (d), renum. (1) (e) and (2) (e) to be (1) (d) and (2) (d) and am., Register, January, 2001, No. 541, eff. 2−1−01.

SPS 7.07 Intradepartmental referral. (2) The division may refer individuals named in informal complaints to the board liaison for acceptance into the procedure.

(3) The board liaison may refer cases involving the following to the division for investigation or prosecution:

(a) Credential holders participating in the procedure who fail to meet the requirements of their rehabilitation program.

(b) Credential holders who apply and who are determined to be ineligible for the procedure where the board liaison is in possession of information indicating misconduct, negligence or a violation of law.

(c) Credential holders who do not complete an agreement for participation where the board liaison is in possession of information indicating misconduct, negligence or a violation of law.

(d) Credential holders initially referred by the division to the board liaison who fail to complete an agreement for participation.

(e) Credential holders who request early termination of an agreement for participation. In making the decision if a referral should occur, the board liaison shall consider whether the credential holder's therapist approves the early termination and whether this opinion is supported by a second therapist selected by the department who shall always be consulted and shall concur.

(4) The board liaison shall refer credential holders who relapse in the context of the work setting to the division for investigation and prosecution. A credential holder referred under this subsection who has not been dismissed from the procedure may continue to participate in the procedure.

History: Cr. Register, January, 1991, No. 421, eff. 2−1−91; am. (1), (3) (a) to (d), Register, July, 1996, No. 487, eff. 8−1−96; CR 10−081: r. (1), am. (3) (a), (b), (c), cr. (3) (e), (4) Register December 2010 No. 660, eff. 1−1−11.

SPS 7.08 Records. (1) CUSTODIAN. All records relating to the procedure including applications for participation, agreements for participation and reports of participation shall be maintained in the custody of the department secretary or the secretary's designee.

(2) AVAILABILITY OF PROCEDURE RECORDS FOR PUBLIC INSPECTION. Any requests to inspect procedure records shall be made to the custodian. The custodian shall evaluate each request on a case by case basis using the applicable law relating to open records and giving appropriate weight to relevant factors in order to determine whether public interest in nondisclosure outweighs the public interest in access to the records, including the reputational interests of the credential holder, the importance of confidentiality to the functional integrity of the procedure, the existence of any promise of confidentiality, statutory or common law rules which accord a status of confidentiality to the records and the likelihood that release of the records will impede an investigation. The fact of a credential holder's participation in the procedure and the status of that participation may be disclosed to credentialing authorities of other jurisdictions.

(3) TREATMENT RECORDS. Treatment records concerning individuals who are receiving or who at any time have received services for mental illness, developmental disabilities, alcoholism, or drug dependence which are maintained by the department, by county departments under s. 51.42 or 51.437, Stats., and their staffs and by treatment facilities are confidential under s. 51.30, Stats., and shall not be made available for public inspection.

(4) PATIENT HEALTH CARE RECORDS. Patient health care records are confidential under s. 146.82, Stats., and shall not be made available to the public without the informed consent of the patient or of a person authorized by the patient or as provided under s. 146.82 (2), Stats.

History: Cr. Register, January, 1991, No. 421, eff. 2−1−91; am. (2), Register, July, 1996, No. 487, eff. 8−1−96; CR 10−081: am. (2) Register December 2010 No. 660, eff. 1−1−11.

SPS 7.09 Report. The board liaison or coordinator shall report on the procedure to the board at least twice a year and if requested to do so by a board.

History: Cr. Register, January, 1991, No. 421, eff. 2−1−91; am. Register, July, 1996, No. 487, eff. 8−1−96.

SPS 7.10 Applicability of procedures to direct licensing by the department. This procedure may be used by the department in resolving complaints against persons licensed directly by the department if the department has authority to discipline the credential holder. In such cases, the department secretary shall have the authority and responsibility of the "board" as the term is used in the procedure and shall designate an employee to perform the responsibilities of the "board liaison."

History: Cr. Register, January, 1991, No. 421, eff. 2−1−91; am. Register, July, 1996, No. 487, eff. 8−1−96.

SPS 7.11 Approval of drug testing programs. The department shall approve drug testing programs for use by credential holders who participate in drug and alcohol monitoring programs pursuant to agreements between the department or boards and credential holders, or pursuant to disciplinary orders. To be approved as a drug testing program for the department, programs shall satisfactorily meet all of the following standards in the areas of program administration, collection site administration, laboratory requirements and reporting requirements:

(1) Program administration requirements are:

(a) The program shall enroll participants by setting up an account, establishing a method of payment and supplying preprinted chain−of−custody forms.

(b) The program shall provide the participant with the address and phone number of the nearest collection sites and shall assist in locating a qualified collection site when traveling outside the local area.

(c) Random selection of days when participants shall provide specimens shall begin upon enrollment and the program shall notify designated department staff that selection has begun.

(d) The program shall maintain a nationwide toll−free access or an internet website that is operational 24 hours per day, 7 days per week to inform participants of when to provide specimens and is able to document the date and time of contacts by credential holders.

(e) The program shall maintain and make available to the department and treatment providers through an internet website data that are updated on a daily basis verifying the date and time each participant was notified after random selection to provide a specimen, the date, time and location each specimen was collected, the results of drug screen and whether or not the participant complied as directed.

(f) The program shall maintain internal and external quality of test results and other services.

(g) The program shall maintain the confidentiality of participants in accordance with s. 146.82, Stats.

(h) The program shall inform participants of the total cost for each drug screen including the cost for program administration, collection, transportation, analysis, reporting and confirmation. Total cost shall not include the services of a medical review officer.

(i) The program shall immediately report to the department if the program, laboratory or any collection site fails to comply with this section. The department may remove a program from the approved list if the program fails to comply with this section.

(j) The program shall make available to the department experts to support a test result for 5 years after the test results are released to the department.

(k) The program shall not sell or otherwise transfer or transmit names and other personal identification information of the participants to other persons or entities without permission from the department. The program shall not solicit from participants presently or formerly in the monitoring program or otherwise contact participants except for purposes consistent with administering the program and only with permission from the department.

(L) The program and laboratory shall not disclose to the participant or the public the specific drugs tested.

(2) Collection site administration requirements are:

(a) The program shall locate, train and monitor collection sites for compliance with the U.S. department of transportation collection protocol under 49 CFR 40.

(b) The program shall require delivery of specimens to the laboratory within 24 hours of collection.

(3) Laboratory requirements are:

(a) The program shall utilize a laboratory that is certified by the U.S. department of health and human services, substance abuse and mental health services administration under 49 CFR 40. If the laboratory has had adverse or corrective action, the department shall evaluate the laboratory's compliance on a case by case basis.

(b) The program shall utilize a laboratory capable of analyzing specimens for drugs specified by the department.

(c) Testing of specimens shall be initiated within 48 hours of pickup by courier.

(d) All positive drug screens shall be confirmed utilizing gas chromatography in combination with mass spectrometry, mass spectrometry, or another approved method.

(e) The laboratory shall allow department personnel to tour facilities where participant specimens are tested.

(4) The requirements for reporting of results are:

(a) The program shall provide results of each specimen to designated department personnel within 24 hours of processing.

(b) The program shall inform designated department personnel of confirmed positive test results on the same day the test results are confirmed or by the next business day if the results are confirmed after hours, on the weekend or on a state or federal holiday.

(c) The program shall fax, e−mail or electronically transmit laboratory copies of drug test results at the request of the department.

(d) The program shall provide a medical review officer upon request and at the expense of the participant, to review disputed positive test results.

(e) The program shall provide chain−of−custody transfer of disputed specimens to an approved independent laboratory for retesting at the request of the participant or the department.

History: Cr. Register, January, 2001, No. 541, eff. 2−1−01; CR 10−081: am. (1)(d), (e) Register December 2010 No. 660, eff. 1−1−11.

State of Wisconsin
Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:	2) Date When Request Submitted:
Daniel Agne, Bureau Assistant **on behalf of** **Tom Ryan, Executive Director**	**3/27/14** Items will be considered late if submitted after 4:30 p.m. on the deadline date: ▪ 8 business days before the meeting for paperless boards ▪ 14 business days before the meeting for all others

3) Name of Board, Committee, Council, Sections:

Massage Therapy and Bodywork Therapy Affiliated Credentialing Board

4) Meeting Date:	5) Attachments:	6) How should the item be titled on the agenda page?
4/11/14	☐ Yes ☒ No	**Delegated Authority Motions**

7) Place Item in:	8) Is an appearance before the Board being scheduled?	9) Name of Case Advisor(s), if required:
☒ Open Session ☐ Closed Session ☐ Both	☐ Yes (Fill out Board Appearance Request) ☒ No	

10) Describe the issue and action that should be addressed:

The **Board** will be asked to consider the following motions:

MOTION: moved, seconded by , that the Board delegates authority to the Chair (or order of succession) to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair delegates the authority to a Department representative to sign the name of the Chair (or order of succession), or any and all Board members, on documents as necessary.

MOTION: moved, seconded by , that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law.

11) Authorization

Daniel Agne

Signature of person making this request — Date

Supervisor (if required) — Date

Executive Director signature (indicates approval to add post agenda deadline item to agenda) — Date

Directions for including supporting documents:
1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.
3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.

Revised 8/13

State of Wisconsin
Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:	2) Date When Request Submitted:
Ashley Horton Department Monitor Division of Legal Services and Compliance	December 20, 2013 Items will be considered late if submitted after 4:30 p.m. and less than: ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others

3) Name of Board, Committee, Council, Sections:

4) Meeting Date:	5) Attachments:	6) How should the item be titled on the agenda page?
	☒ Yes ☐ No	Monitoring: Appointment of Monitoring Liaison and Delegated Authority Motion

7) Place Item in:	8) Is an appearance before the Board being scheduled?	9) Name of Case Advisor(s), if required:
☒ Open Session ☐ Closed Session ☐ Both	☐ Yes (Fill out Board Appearance Request) ☒ No	

10) Describe the issue and action that should be addressed:

1. Appointment of 2014 Monitoring Liaison
2. Delegated Authority Motion:

   "_____ moved, seconded by _____ to adopt/reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today's agenda packet."

11) Authorization

Ashley Horton — December 20, 2013

Signature of person making this request — Date

Supervisor (if required) — Date

Executive Director signature (indicates approval to add post agenda deadline item to agenda) — Date

Directions for including supporting documents:
1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.
3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.

Revised 10/12

Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor

The Monitoring Liaison is a board designee who works with department monitors to enforce the Board's orders as explained below.

Current Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board:

1. Grant a temporary reduction in random drug screen frequency upon Respondent's request if he/she is unemployed and is otherwise compliant with Board order. The Department Monitor will draft an order and sign on behalf of the Liaison. The temporary reduction will be in effect until Respondent secures employment in the profession.

2. Grant a stay of suspension if Respondent is eligible per the Board order. The Department Monitor will draft an order and sign on behalf of the Liaison.

3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board order. The Department Monitor will draft an order and sign on behalf of the Liaison.

4. Grant or deny approval when Respondent proposes continuing/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board approval. The Department Monitor will notify Respondent of the Liaison's decision.

5. Grant a maximum 90-day extension, if warranted and requested in writing by Respondent, to complete Board-ordered CE, pay proceeding costs, and/or pay forfeitures upon Respondent's request.

Current Authorities Delegated to the Department Monitor

The Department Monitor may take the following actions on behalf of the Board, draft an order and sign:

1. Grant full reinstatement of licensure if CE is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.

2. Suspend the license if Respondent has not completed Board-ordered CE and/or paid costs and forfeitures within the time specified by the Board order. The Department Monitor may remove the suspension and issue an order when proof completion and/or payment have been received.

Clarification

1. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. (This is consistent with current practice.)

State of Wisconsin
Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:	2) Date When Request Submitted:
Shawn Leatherwood	**January 27, 2014** Items will be considered late if submitted after 12:00 p.m. and less than: ▪ 8 work days before the meeting

3) Name of Board, Committee, Council, Sections:

Massage Therapy and Bodywork Therapy Affiliated Credentialing Board

4) Meeting Date:	5) Attachments:	6) How should the item be titled on the agenda page?
February 11, 2014	☒ Yes ☐ No	**Adoption of Rulemaking Order CR 13-055**

7) Place Item in:	8) Is an appearance before the Board being scheduled? If yes, who is appearing?	9) Name of Case Advisor(s), if required:
☒ Open Session ☐ Closed Session ☐ Both	☐ Yes by (name) ☒ No	N/A

10) Describe the issue and action that should be addressed:

The Board will adopt the rulemaking order.

11) Authorization

Shawn Leatherwood — January 27, 2014

Signature of person making this request — Date

Supervisor (if required) — Date

Bureau Director signature (indicates approval to add post agenda deadline item to agenda) — Date

Directions for including supporting documents:
1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director.
3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.

STATE OF WISCONSIN
MASSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULE-MAKING PROCEEDINGS BEFORE THE MASSAGE THERAPY AND BODYWORK THERAPY AFFILIATED CREDENTIALING BOARD	: ORDER OF THE MASSAGE THERAPY AND BODYWORK THERAPY AFILIATED CREDENTIALING BOARD ADOPTING RULES (CLEARINGHOUSE RULE 13-055)

ORDER

An order of the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board to repeal MTBT 2.05 and (Note); to amend MTBT 1.01, MTBT 2.01 (title), MTBT 2.03 (title), (1) (a) and (c), MTBT 3.01 (1), MTBT 3.01 (5) (b), MTBT 4.01 (title) (intro.), MTBT 4.02 (title) (intro.) (1) and (3), MTBT 4.03, MTBT 4.04 (1)(a), MTBT 4.04 (1) (c), (2) (a) and (b), MTBT 5.01 (9), (16), (17), (18),(19), (20), (27), (28), (32), MTBT 5.02 (1), (2) (b), (2) (c), (3) and (4);to repeal and recreate MTBT 1.02; to create s. MTBT 4.02 (5), MTBT 6 and 7 relating to temporary licensure and continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections. 460.04 (2) (a), (c), (d) and (f), and 460.08, Stats., and 2009 Wisconsin ACT 355

Statutory authority:

Sections 15.085 (5) (b), 460.04 (2), 460.10 (1), Stats., and 2009 Wisconsin ACT 355

Explanation of agency authority:

Affiliated credentialing boards are generally empowered by the legislature pursuant to s. 15.085 (5) (b), Stats., to promulgate rules that govern their profession. The Massage Therapy and Bodywork Therapy Affiliated Credentialing Board has recently been empowered with the passage of 2009 Wisconsin Act 355, to promulgate rules concerning temporary licenses and continuing education. Therefore, the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board is authorized both generally and specifically to promulgate the proposed rules.

Related statute or rule:

Wis. Admin. Code ch. MTBT 1 to 5

Plain language analysis:
2009 Wisconsin Act 355 transformed the Massage Therapy and Bodywork Therapy Council into the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board. (Board) The newly formed board, under the oversight of the Medical Examining Board, was granted rule making authority by the legislature as well as the authority to grant licenses instead of "certificates". This proposed rule carries out the intent of the legislature by making the necessary changes to Wis. Admin. Code MTBT 1 - MTBT 5. The necessary changes include defining terms such as "informed consent", "intimate parts", "sexually oriented business", and setting forth the requirements for temporary licensure and continuing education.

SECTION 1. amends the authority section by replacing department with board and bodyworker with bodywork therapist.

SECTION 2. repeals and recreates the definition section to include additional terms.

SECTION 3. amends title of s. MTBT 2.01 to replace certificate with license.

SECTION 4. amends the title of s. MTBT 2.03 replacing certificate with license.

SECTION 5. repeals s. MTBT 2.05 and the corresponding note.

SECTIONS 6. to 11 primarily replaces department with board and certificate with license.

SECTION 12. creates provisions regarding temporary licensure.

SECTION 13. creates provisions regarding continuing education.

Summary of, and comparison with, existing or proposed federal regulation:

None

Comparison with rules in adjacent states:

Illinois:

Illinois regulates massage therapy via the Massage Licensing Act. Ill. Admin. Code tit.68 §1284 (2012). Illinois exempts students from the licensure requirement as long as they are practicing in conjunction with an approved massage school or program. Approved massage therapy schools are required to meet certain criteria including maintaining written programs, written plans of study, written course outlines and student handbooks. Applicants are required to obtain 500 hours of supervised hands-on instruction from an

approved massage therapy school. Ill. Admin. Code tit. 68 §1284.20. With regards to continuing education 24 hours are required per biennium. Illinois does not issue a temporary license

Iowa:

Iowa regulations encompass both massage and bodywork therapy. IA. r. 645-131.1. Iowa requires "500 hours in massage therapy education" for licensure. IAC r. 645-131.3. Furthermore, Iowa only allows temporary licensure for applicants from other states with less stringent licensure criteria. IAC 131-5 (1). Students are not exempt from the licensure requirement. However, students may participate in "clinical practicum," meaning, "hands-on" massage therapy provided to members of the public," at the massage therapy school's primary location which is similar to an on-site student clinic. Lastly, Iowa requires 24 hours of continuing education per biennium.

Michigan:

Michigan regulates massage therapy by statute under MCL 333.17591-333.17969 (2012). The practice act defines such terms as "massage therapist," and "practice of massage therapy." The terms bodywork or bodywork therapist are not included. 18 hours of continuing education are required by statute. There are no provisions for temporary licensure. The Michigan practice act allows students to practice massage therapy as a part of program of study if they are enrolled in school and under the supervision of a licensed massage therapist.

Minnesota:

Massage and bodywork therapist are not licensed, certified, or registered in Minnesota. Minnesota maintains general oversight of the practice of massage therapy and bodywork through Minn. Stat. §146A, (2011).The Unlicensed Complementary and Alternative Health Care Practice Act. This act identifies bodywork, massage, and massage therapy as encompassed within the, "broad domain of complementary and alternative healing methods and treatment."

Summary of factual data and analytical methodologies:

The proposed rule brings current administrative code regarding massage therapy and bodywork therapy into compliance with 2009 Wisconsin Act 355. No other factual data or analytical methodologies were used.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

This proposed rule was posted on the Department's website for 14 days to solicit comments from small business. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Gregg.Gasper@wisconsin.gov or by calling (608) 267-9794

Agency contact person:

Shawn Leatherwood, Rule Coordinator, Department of Safety and Professional Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4438; email at Shancethea.Leatherwood@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Shawn Leatherwood, Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to Shancethea.Leatherwood@wisconsin.gov. Comments must be received on or before August 13, 2013, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MTBT 1.01 is amended to read:

MTBT 1.01 Authority and intent. The rules in chs. MTBT 1 to ~~5~~ 7 are adopted by the ~~department~~ board pursuant to s. 227.11 (2), Stats., and ch. 460. Stats., to govern the credentialing of massage therapists and ~~bodyworkers~~ bodywork therapists.

SECTION 2. MTBT 1.02 is repealed and recreated to read:

MTBT 1.02 Definitions. As used in chs. MTBT 1 to 7, unless the context otherwise requires:

(1) "Accrediting agency" means either of the following:

(a) A regional or national accrediting agency recognized by the U.S. department of education.

(b) A state government agency or territorial government agency located in another state or territory of the United States or another country.

(2) "Adjunctive therapy" means any of the following:

(a) The use of a device that simulates or enhances a manual action.

(b) The application of water, lubricants, or other nonprescription topical agents to the skin.

(c) The application of heat or cold to the skin in the absence of an electromagnetic device.

(3) "Approved training program" means a series of classroom courses, not including continuing education, which is approved by the board having a unified purpose which lead to a diploma or degree or to an occupational or vocational objective meeting the requirements of s. MTBT 3.01.

(4) "Board" means the massage therapy and bodywork therapy affiliated credentialing board.

(5) "Classroom hour" means a period of instruction consisting of not less than 50 minutes.

(6) "Client" means a person who has contracted for or who receives the professional services of a massage therapist, bodywork therapist, student or temporary licensee, whether the massage therapist, bodywork therapist, student or temporary licensee is paid or unpaid for the service, and regardless of where such services occur. If a client is a person under the age of 18, the client's parents or legal guardian are also clients. If a person contracts for multiple sessions of treatment, the person remains a client until the full terms of the contract have been fulfilled.

(7) "Direct, immediate, on-premises supervision" means the supervising massage therapist or bodywork therapist is present in the same building with the person being supervised, with face-to-face contact as necessary to avoid unacceptable risk of harm to the client.

(8) "Direct, immediate, one-to-one supervision" means one-to-one supervision with face-to-face contact between the person being supervised and the supervisor throughout the client contact with the supervisor assisting the person being supervised as necessary.

(9) "General supervision" means indirect, off-premises supervision, with direct, on-premises or direct face-to-face contact between the supervisor and the person being supervised as necessary. Between direct contacts, the supervisor is required to maintain indirect, off-premises telecommunication contact such that the person being supervised can, within 15 minutes, establish direct telecommunication with the supervisor.

(10) "Health care practitioner" means a health care provider as defined in s. 146.81 (2) Stats.

(11) "Informed consent" means a client's voluntary, knowing and understood agreement to the service to be provided by the massage therapist, bodywork therapist, temporary licensee or student. Informed consent requires, at a minimum, that the licensee has provided information about the risks and benefits of the service to be provided that a reasonable person in the client's position would need before making an informed decision concerning the service.

(a) Informed consent shall be documented in writing.

(b) A client may withdraw informed consent verbally or in writing at any time before a service is completed.

(c) Informed consent shall include an understanding that the client may, upon request, have a chaperone present while massage therapy or bodywork therapy services are provided.

(d) No service or part of a service may be provided without the client's informed consent or after informed consent has been withdrawn.

(12) "Insured" means any person to whom an insurer makes a promise in an insurance policy. The term includes policyholders, subscribers, members and beneficiaries.

(13) "Intimate parts" has the meaning given in s. 939.22 (19), Stats.

(14) "License holder" means a person granted a license under this chapter.

(15) "Manual action" includes holding, positioning, rocking, kneading, compressing, decompressing, gliding or percussing the soft tissue of the human body or applying a passive range of motion to the human body without joint mobilization or manipulation.

(16) "Massage therapist or bodywork therapist" means a person who engages in massage therapy or bodywork therapy.

(17) "Massage therapy extern or bodywork therapy extern" means a student currently enrolled in an approved massage therapy or bodywork therapy school or program and in good standing, who provides massage therapy and bodywork therapy services under the following conditions:

(a) The extern has successfully completed a massage therapy or bodywork therapy internship and has been approved for an externship by an instructor affiliated

with the massage therapy or bodywork therapy school or program in which the student is enrolled.

(b) A licensed massage therapist or bodywork therapist, whose license is current and unlimited, provides direct on-premises supervision of the unlicensed massage therapy extern or bodywork therapy extern or more intensive supervision if required to avoid unacceptable risk of harm to the client.

(c) Services are provided off school or program premises.

(d) Services are provided without financial compensation to the massage therapy extern or bodywork therapy extern.

(e) The externship site has been approved by the school or program in which the student is enrolled.

(f) Clients have given informed consent to be treated by a massage therapy extern or bodywork therapy extern.

(18) "Massage therapy intern or bodywork therapy intern" means a student currently enrolled in an approved massage therapy or bodywork school or program and in good standing, who provides massage therapy and bodywork therapy services under the following conditions:

(a) A clinic instructor provides direct on-premises supervision of massage therapy intern or bodywork therapy intern or more intensive supervision if required to avoid unacceptable risk of harm to the client.

(b) Services are provided on school or program premises.

(c) Services are provided without financial compensation to the massage therapy intern or bodywork therapy intern.

(d) Clients have given informed consent to be treated by a massage therapy intern or bodywork therapy intern.

(19) "Massage therapy or bodywork therapy" means the science and healing art that uses manual actions and adjunctive therapies to palpate and manipulate the soft tissue of the human body, in order to improve circulation, reduce tension, relieve soft tissue pain, or increase flexibility. Massage therapy or bodywork therapy includes determining whether manual actions and adjunctive therapies are appropriate. Massage therapy or bodywork therapy does not include making a medical, physical therapy, or chiropractic diagnosis.

(20) "Policy holder" means the person who controls the policy by ownership, payment of premiums or otherwise.

(21) "Sexual contact" has the meaning given in s. 939.22 (34), Stats.

(22) "Sexual intercourse" has the meaning given in s. 948.01 (7) (a), Stats.

(23) "Sexually oriented business" means any entity that offers or provides any of the following for a fee:

(a) Sexually explicit conversation.

(b) Exposure of any person's intimate parts except as necessary for legitimate massage therapy and bodywork therapy.

(c) Direct and indirect contact with any person's intimate parts unless necessary for legitimate massage therapy and bodywork therapy.

(d) Prostitution.

(e) Materials depicting or describing sexually explicit conduct.

(24) "Temporary licensee" means a graduate of a massage therapy or bodywork therapy school or program who has met the requirements for and who has been granted a temporary license to practice massage therapy and bodywork therapy as provided in s. MTBT 6.02.

SECTION 3. MTBT 2.01 (title) is amended to read:

MTBT 2.01 (title) Application for a ~~certificate~~ license.

SECTION 4. MTBT 2.03 (title), (1) (a), and (c) are amended to read:

MTBT 2.03 (title) Reciprocal ~~certificate~~ license. (1) An individual applying for a ~~certificate~~ license on the basis of a similar license, registration or ~~certificate~~ license in another state or territory of the United States or another country shall:

(a) Submit an application on a form provided by the ~~department~~ board.

(c) Submit evidence satisfactory to the ~~department~~ board.

SECTION 5. MTBT 2.05 and (Note) are repealed.

SECTION 6. MTBT 3.01(1) and (5) (b) are amended to read:

MTBT 3.01 (1) An individual applying for a ~~certificate~~ license as a massage therapist or ~~bodyworker~~ bodywork therapist who has not graduated from a school of massage therapy or bodywork therapy approved by the educational approval board shall submit an official transcript or other official documentation showing dates

and total hours attended and a description of the curriculum completed establishing that he or she has completed an approved training program.

(5) (b) Business, law and ethics: 50 classroom hours, which ~~may~~ shall include at least 6 classroom hours in the laws of this state and rules of the ~~department~~ board relating to the practice of massage therapy or bodywork therapy required by s. MTBT 2.01 (3) (b).

SECTION 7. MTBT 4.01 (title) and (intro.) are amended to read:

MTBT 4.01 (title) ~~Certificate~~ License expiration. ~~Certificate~~ License for massage therapists and ~~bodyworkers~~ bodywork therapist expire on March 1 of each odd-numbered year.

SECTION 8. MTBT 4.02 (title) (intro.) (1), and (3) are amended to read:

MTBT 4.02 (title) Renewal of ~~certificate~~ license. In order to renew a ~~certificate~~ license on or before the renewal date, the ~~certificate~~ license holder shall submit the following to the ~~department~~ board:

(1) A renewal application on a form provided by the ~~department~~ board.

(3) Evidence satisfactory to the ~~department~~ board that he or she has in effect as a policyholder and insured, malpractice liability insurance coverage in an amount that is not less than $1,000,000 per occurrence and $1,000,000 for all occurrences in one year.

SECTION 9. MTBT 4.02 (5) is created to read:

MTBT 4.02 (5) Beginning with the biennial registration period commencing on March 1, 2015, unless granted a waiver under s. MTBT 7.02 (4), each licensee is required to complete 24 hours of continuing education prior to renewal of a license to practice as a massage therapist or bodywork therapist, except that, a new licensee shall not be required to comply with the continuing education requirements for the first renewal of a license.

SECTION 10. MTBT 4.03 is amended to read:

MTBT 4.03 Failure to renew. A ~~certificate~~ license holder who fails to renew a ~~certificate~~ license by the applicable renewal date ~~shall~~ may not use any title or description that implies that he or she is credentialed by the ~~department~~ board as a massage therapist or ~~bodyworker~~ bodywork therapist until his or her ~~certificate~~ license is renewed under s. MTBT 4.04.

SECTION 11. MTBT 4.04 (intro), (1) (a), (1) (c), (2) (a) and (b) are amended to read:

MTBT 4.04 (intro) A massage therapist or bodyworker who fails to renew his or her ~~certificate~~ license by the renewal date may renew the ~~certificate~~ license by satisfying all of the following requirements:

(1) If applying less than 5 years after the renewal date, submitting to the ~~department~~ board all of the following:

(a)An application for renewal on a form provided by the ~~department~~ board,

(c) Evidence satisfactory to the ~~department~~ board that he or she has in effect as a policyholder and insured, malpractice liability insurance coverage in an amount that is not less than $1,000,000 per occurrence and $1,000,000 for all occurrences in one year.

(2) (a) Successful completion of educational course work required by the ~~department~~ board to ensure protection of the public health, safety and welfare.

(b) Successful completion of an examination required by the ~~department~~ board to ensure protection of the public health, safety and welfare.

SECTION 12. MTBT 5.01 (9), (16), (17), (18), (19) (20), (27), (28), and (32) are amended to read:

MTBT 5.01 (9) Failing to keep confidential any information that a client gives in confidence to the ~~certificate~~ license holder and any other information that the ~~certificate~~ license holder obtains about a client in the course of practicing massage therapy or bodywork therapy that a reasonable person in the client's position would want kept confidential, unless the information is otherwise required by law to be disclosed or the client specifically authorizes the disclosure of the information.

(16) After a request by the ~~department~~ board, failing to cooperate in a timely manner with the department's investigation of complaints filed against the ~~certificate~~ license holder. There is a rebuttable presumption that a ~~certificate~~ license holder who takes longer than 30 calendar days to respond to a request of the department has not acted in a timely manner under this subsection.

(17) Violating any rule adopted by the ~~department~~ board relating to the practice of massage therapy or bodywork.

(18) Violating any term, provision or condition of any order issued by the ~~department~~ board.

(19) Failing to practice massage therapy or bodywork within the scope of the ~~certificate~~ license holder's competence, education, training and experience.

(20) Aiding or abetting an ~~uncertified~~ unlicensed person, knowingly conspiring with an ~~uncertified~~ unlicensed person, or allowing one's ~~certificate~~ license to be used by an ~~uncertified~~ unlicensed person to evade the use of title restrictions under s. 460.02, Stats., relating to the practice of massage therapy or bodywork.

(27) Failing to submit a written report to the ~~department~~ board if the ~~certificate~~ license holder is convicted of a felony or misdemeanor, or is found to have committed a violation, in this state or elsewhere, if the circumstances of the felony, misdemeanor or violation substantially relate to the practice of massage therapy or bodywork. The report shall be made on a complaint form provided by the ~~department~~ board and shall be submitted within 30 days after the entry of the judgment of conviction or the judgment that the ~~certificate~~ license holder committed the violation, and shall identify the date, place, and nature of the conviction or finding. If the report is submitted by mail, the report is considered to be submitted on the date that it is mailed. In this subsection, "violation" means a violation of any state or local law that is punishable by forfeiture.

(28) Failing to display his or her ~~certificate~~ license in his or her place of business or practice so that it can easily be seen and read by the public.

(32) Advertising by a ~~certificate~~ license holder that he or she practices massage therapy or bodywork therapy unless the advertisement includes ~~his or her certificate license number and~~ a statement that the ~~certificate~~ license holder is a ~~certified~~ "licensed massage therapist or ~~bodyworker~~ bodywork therapist" or "~~certified~~ licensed massage therapist" or "~~certified~~ licensed ~~bodyworker~~ bodywork therapist ." A telephone directory listing for which no additional advertising charge is made is not considered advertising.

SECTION 13. MTBT 5.02 (1), (2) (b), (2) (c), (3), and (4) are amended to read:

MTBT 5.02 (1) A ~~certificate~~ license holder shall submit a report to the ~~department~~ board if he or she has reasonable cause to believe that another ~~certificate~~ license holder has committed a crime relating to prostitution under ss. 944.30 to 944.34, Stats., or has had sexual contact or sexual intercourse with a client. If the report relates to sexual contact or sexual intercourse with a client, the report may not identify the client unless the client has provided written consent for disclosure of this information.

MTBT 5.02 (2) (b) Being informed by a person that he or she, while a client of another ~~certificate~~ license holder, engaged in nonmarital sexual contact or sexual intercourse with the other ~~certificate~~ license holder.

MTBT 5.02 (2) (c) Being informed by another ~~certificate~~ license holder that he or she has engaged in nonmarital sexual contact or sexual intercourse with a client, or has done an act prohibited by ss. 944.30 to 944.34, Stats.

MTBT 5.02 (3) The report shall be made on a complaint form provided by the ~~department~~ board. The ~~department~~ board may use the report as the basis for an investigation under s. 460.14 (1), Stats.

MTBT 5.02 (4) A complaint as defined in s. SPS 2.03 (2), filed against a ~~certificate~~ license holder pursuant to s. SPS 2.08, based upon the allegation of one or more acts prohibited under ss. 944.30 to 944.34, Stats., constitutes reasonable cause for the department to believe that a ~~certificate~~ license holder has committed a crime and the ~~department~~ board shall report the belief to the district attorney for the county in which the crime, in the opinion of the ~~department~~ board, occurred.

SECTION 14. Chapter MTBT 6 is created to read:

CHAPTER MTBT 6

TEMPORARY LICENSURE

MTBT 6.01 Authority. The rules in ch. MTBT 6 are adopted under the authority of ss.460.08 and 460.04 (2) (f), Stats.

MTBT 6.02 Temporary license prior to licensure. (1) The board may issue a temporary license to an applicant to practice massage therapy and bodywork therapy who meet the criteria under s. 460.05, Stats., and who has completed all of the following:

(a) Submits a completed application for licensure and a completed application for a temporary license.

(b) Remits the fee specified in s. 440.05 (1), Stats.

(c) Has successfully completed an educational program as defined in s. MTBT 3.01

(d) Has not previously failed an examination required in s. 460.06, Stats., unless the applicant has subsequently passed the failed examination.

(e) Has passed the state board statutes and rules examination.

(2) Practice during the period of temporary license shall be under the supervision of a licensed massage therapist or bodywork therapist, at the level of general supervision or as necessary to avoid unacceptable risk of harm to the client. The supervising massage therapist or bodywork therapist is responsible for determining the level of supervision necessary to avoid unacceptable risk of harm to the client.

(a) A person holding a temporary license shall meet face-to-face with the supervising massage therapist or bodywork therapist as necessary to ensure that the temporary licensee performs competently, including creation and maintenance of records as required in s. MTBT 5.01 (8).

(b)The temporary licensee shall provide each client the name, contact information and license number for the supervising massage therapist or bodywork therapist responsible for supervision of the temporary licensee.

(c) Prior to commencing any health care service, a temporary licensee shall obtain written informed consent of all clients. The informed consent documentation shall include, in addition to other requirements, an acknowledgement that the temporary licensee is not fully credentialed and that the client has been provided the information required by par. (b).

(3) A temporary license expires 6 months after the date of issuance or when the department provides notice that the temporary licensee has failed or passed the examination required by s. 460.06, Stats., whichever is first.

(a)A temporary license shall not be renewed.

(b)No person shall be issued more than one temporary license in any 365 day period.

(4) For purposes of the Board's disciplinary authority the supervising massage therapist or bodywork therapist is responsible for the acts of the temporary licensee under supervision. The Board may discipline the supervising massage therapist or bodywork therapist and the temporary licensee for any acts or omissions of the temporary licensee in violation of any state or federal statute, rule, regulation or order of the board or of the medical examining board.

(5) Temporary licensees shall use the title massage therapy temporary licensee or bodywork therapy temporary licensee.

SECTION 15. Chapter MTBT 7 is created to read:

Chapter MTBT 7.01

CONTINUING EDUCATION

MTBT 7.01 Authority The rules in ch. MTBT 7 are adopted under the authority of s. 460.10, Stats.

MTBT 7.02 Continuing education required. (1) Beginning with the biennial registration period commencing on March 1, 2015, unless granted a waiver under s. MTBT 7.02 (4), each licensee is required to complete 24 hours of continuing education prior to renewal of a license to practice as a massage therapist or bodywork therapist, except that a new licensee shall not be required to comply with the continuing education requirements for the first renewal of a license.

(2) Acceptable continuing education shall address topics within the scope of practice of massage therapy and bodywork therapy or related business practices. The topic of at least 2 of the total continuing education hours in each biennium shall be ethics.

(3) Each licensee shall, at the time of making application for renewal, sign a statement on the application for renewal certifying that the licensee has completed 24 hours of acceptable continuing education, including 2 credits pertaining to ethics, within 2 calendar years immediately preceding the calendar year for which application for renewal is made.

(4) A licensee may apply to the board for waiver of the requirements of this chapter on grounds of prolonged illness or disability or other exceptional circumstances. The Board will consider each request individually on its merits.

(5) One hour of continuing education shall be awarded for each 50 minutes of instruction or its equivalent.

(6) Each licensee shall maintain verifiable evidence of completion of the continuing education activity until the licensee submits the next application for renewal of a license to practice massage therapy or bodywork therapy.

MTBT 7.03 Acceptable continuing education activities. The board shall accept the following in satisfaction of the biennial training requirement provided under s. MTBT 7.02:

(1) Continuing education activities approved or provided by:

(a) Massage therapy or bodywork therapy schools or training programs approved pursuant to s. 460.095, Stats.

(b) Institutions of higher education as s. 106.57 (1) (c), Stats.

(c) Local, state or national chapters of professional organizations that address improvement of the profession, including but not limited to the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM), National Certification Board for Therapeutic Massage and Bodywork (NCBTMB), and the Federation of State Massage Therapy Boards (FSMTB).

(2) Continuing education activities may be in the form of in-person instruction, distance learning, online activities, audiovisual recordings, audio recordings and professional literature review.

SECTION 16. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____ Agency _____

Chairperson
Massage Therapy and Bodywork Therapy
Affiliated Credentialing Board

State of Wisconsin
Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:	2) Date When Request Submitted:
Shawn Leatherwood	February 25, 2014
	Items will be considered late if submitted after 4:30 p.m. and less than: ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others

3) Name of Board, Committee, Council, Sections:
Massage Therapy and Bodywork Therapy Affiliated Credentialing Board

4) Meeting Date:	5) Attachments:	6) How should the item be titled on the agenda page?
April 11, 2014	☒ Yes ☐ No	**165-MTBT 5 Unprofessional Conduct Review of Initial Draft**

7) Place Item in:	8) Is an appearance before the Board being scheduled? If yes, who is appearing?	9) Name of Case Advisor(s), if required:
☒ Open Session ☐ Closed Session ☐ Both	☐ Yes by (name) ☒ No	N/A

10) Describe the issue and action that should be addressed:

The Board will review the initial draft of the proposed rule. The Board will authorize the chair to approve any revisions to 165-MTBT 5 Unprofessional Conduct rule for posting of the EIA comments and submission to the Clearinghouse.

11) Authorization

Shawn Leatherwood — February 25, 2014
Signature of person making this request — Date

Supervisor (if required) — Date

Bureau Director signature (indicates approval to add post agenda deadline item to agenda) — Date

Directions for including supporting documents:
1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director.
3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.

STATE OF WISCONSIN
MASSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULEMAKING PROCEEDINGS BEFORE THE MASSAGE THERAPY AND BODYWORK THERAPY AFFILATED CREDENTIALIN BOARD	:	PROPOSED ORDER OF THE MASSAGE THERAPY AND BODYWORK THERAPY AFFILIATED CREDENTIALING BOARD ADOPTING RULES (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board to renumber MTBT 5.02; to repeal and recreate MTBT 5.01 and to create MTBT 5.02, relating to unprofessional conduct.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 460.04 (2), 460.14 (2) (a) to (j), Stats.

Statutory authority:

ss. 15.085 (5) (b), 227.11 (2) (a) and 460.04 (2) (a), Stats.

Explanation of agency authority:

Pursuant to ss. 15.085 (5) (b), and 227.11 (2) (a), Stats., the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board (Board) is generally empowered by the legislature to promulgate rules that will provide guidance within the profession and rules that interpret the statutes it enforces or administers. Section 460.04 (2) (a), Stats., specifically empowers the Board to draft rules regarding the professional conduct of licensees practicing massage therapy or bodywork therapy. This proposed rule seeks to carry out this mandate by revising the rules related to unprofessional conduct.

Related statute or rule:

None.

Plain language analysis:

The passage of 2009 Wisconsin Act 355 transformed the Massage Therapy and Bodywork Council into the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board (Board). The Act granted the newly formed Board rule-making authority. Pursuant to that authority, the Board reviewed its unprofessional conduct rules and decided the rules were outdated and needed updating. The modernization of the rules will not result in a significant policy change but rather a further clarification of the ethical goals of the profession.

SECTION 1. creates a section identifying the authority to promulgate the proposed rules.

SECTION 2. renumbers MTBT 5.02.

SECTION 3. modernizes the definition of unprofessional conduct for massage therapist and bodywork therapists.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois: The grounds for unprofessional conduct for Illinois licensed massage therapists and bodywork therapists are governed by statute, ILL. COMP. STAT. 225/57, and not rule as in Wisconsin. The rules are similar to current Wisconsin unprofessional conduct rules in that they are comprehensive ranging from prohibitions against false advertising to inability to practice with reasonable judgment and skill.

Iowa: The Iowa Administrative Code sets forth the grounds for discipline of massage therapists in 645 IAC 134.2. The rules are similar to Wisconsin in that they cover a variety of topics; however the Iowa rules focus primarily on fraudulent behavior such as fraud in procuring a license, untruthful or improbable statements in advertising, and acceptance of any fee by fraud.

Michigan: Prohibited conduct of massage therapists as set forth in Michigan Administrative Code R 338.723, is limited to eight prohibitions. The prohibitions focus primarily on exceeding the boundaries of a professional relationship with clients such as taking on a professional role when a personal, scientific, legal, financial, or other relationship impairs the exercise of professional discretion or being involved in a dual relationship with a current or former client.

Minnesota: In Minnesota massage therapy and bodywork therapy are indentified as complementary and alternative health care practices, Minn. Stat. §146A.01. Those who conduct alternative health care practices are regulated by statute, Minn. Stat. §146A.08. The statute identifies prohibited conduct covering a variety of topics including: prohibition against sexual contact with clients, adjudication as mentally incompetent and fraudulent billing practices.

Summary of factual data and analytical methodologies:

The Board reviewed its current unprofessional conduct rules and decided that the rules needed to be updated to conform to current practice within the profession. No other factual data or analytical methodologies were used. The Board ensures the accuracy, integrity, objectivity and consistency of data were used in preparing the proposed rule and related analysis.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

Theses proposed rules do not have an economic impact on small businesses as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4438; email at Shancethea.Leatherwood@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366 Madison, WI 53708-8366, or by email to Shancethea.Leatherwood@wisconsin.gov. Comments must be received on or before July 22, 2014 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MTBT 5.01 is repealed and recreated to read:

MTBT 5.01 Authority.

The Definitions of this chapter are adopted by the board pursuant to the authority delegated by ss. 15.085 (5) (b) and 460.04 (2) (a) to establish the standards of ethical conduct for massage therapists and bodywork therapists.

SECTION 2. MTBT 5.02 is renumbered MTBT 5.03.

SECTION 3. MTBT 5.02 is created to read:

MTBT 5.02 Unprofessional conduct. The term "unprofessional conduct" is defined as violating, aiding, abetting, or conspiring to engage in any of the following:

1. Violating s. 460.14 (2) (a) to (j), Stats., other provisions of ch. 448, Stats., or any provision of a board order.

2. Violating or being convicted of any of the following: s. 940.22, 940.225, 944.15, 944.17, 944.30, 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09, 948.095, and 948.10, Stats.

3. Engaging in fraud, misrepresentation or deceit in applying for or procuring a license to practice massage therapy or bodywork therapy, in connection with applying for or procuring periodic renewal of a license, or in otherwise maintaining a license.

4. Engaging in any act of fraud, deceit, or misrepresentation, including acts of omission to the board or any person acting on the board's behalf, including Department of Safety and Professional Services personnel.

5. Employing illegal or unethical business practices, including either of the following:

(a) Fraud, deceit, or misrepresentation in obtaining or attempting to obtain any fee or third-party reimbursement.

(b) Engaging in uninvited, in-person solicitation of actual or potential clients, who because of their particular circumstances are vulnerable to undue influence.

6. Knowingly, negligently, or recklessly making any statement, written or oral, in the course of practicing massage therapy, which is likely to deceive, defraud, mislead or create an unacceptable risk of harm to a client, the public, or both.

7. Engaging in False, misleading, or deceptive advertising.

8. Failure to maintain accurate and timely records necessary for the continuity of a client's massage therapy or bodywork therapy treatment. Records are to be maintained for a period of at least 5 years.

9. Performing any act constituting the practice of massage therapy or bodywork therapy on any client without the client's informed consent or after the client has withdrawn informed consent, whether verbally or in writing, or either of the following:

(a) Failure to document informed consent.

(b)Failure to inform the client that any act of massage therapy may or will be performed by unlicensed personnel.

10. Any practice or conduct that falls below the standard of minimal competence within the profession that results in unacceptable risk of harm to the patient, regardless of whether injury results.

11. Practicing as a massage therapist or bodywork therapist when physical or mental abilities are impaired by the use of controlled substances or other habit-forming drugs, chemicals or alcohol, or by other causes.

12. Practicing as massage therapist or bodywork therapist with a mental or physical condition that impairs the ability of the licensee to practice within the standard of minimal competence or without exposing a client to an unacceptable risk of harm.

13. Practicing beyond the scope of massage therapy or bodywork therapy or any professional credential issued by the board.

14. Divulging any information that a client gives in confidence to the licensee or any other information that the licensee obtains about a client in the course of practicing massage therapy or bodywork therapy that a reasonable person in the client's position would want kept confidential unless the information is otherwise required by law to be disclosed or the client specifically authorizes the disclosure of the information.

15. Engaging in sexually explicit conduct, sexual contact, exposure, gratification or other sexual behavior with or in the presence of a client, a client's immediate family member, or a person responsible, for the client's welfare. For the purposes of this subsection all of the following may apply:

(a) Sexual motivation may be determined from the totality of the circumstances and is presumed when the massage therapist or bodywork therapist has contact with a client's intimate parts without legitimate professional justification for doing so.

(b) An adult client shall continue to be a client for 6 months after the termination of professional services.

(c) If a client is a minor, he or she shall continue to be a client for 2 years after the termination of services or for 2 years after the client reaches the age of majority, whichever is longer.

(d) It is a violation of this paragraph for a massage therapist or bodywork therapist to engage in any sexual contact or conduct with or in the presence of a client or former client who lacks the ability to consent for any reason, including age, medication, or psychological or cognitive disability.

16. Falsification of client records.

17. Failing to provide access to client records when requested by the board or the board's representative.

18. After a request by the board, failing to cooperate in a timely manner with the board's investigation of complaints filed against the licensee. There is a rebuttable presumption that a licensee who takes longer than 30 calendar days to respond to a request of the board has not acted in a timely manner under this paragraph.

19. Failing to comply with universal precautions for preventing transmission of infectious diseases by failing to provide clean clothing, linens and equipment according to the standards recognized by the massage therapy and bodywork therapy profession.

20. Failing to provide draping and treatment that ensures the safety and privacy of a client.

21. Permitting or assisting any person to perform acts constituting massage therapy or bodywork therapy without sufficient qualifications, necessary credentials, adequate informed consent, or adequate supervision. The massage therapist or bodywork therapist is responsible for determining whether general, one-to-one, or on-premises supervision is necessary to protect the client from an unacceptable risk of harm. The massage therapist or bodywork therapist retains responsibility for delegated or supervised acts, unless the board determines that the delegate knowingly and willfully violated the supervisor's direction or instruction.

22. Practicing in a manner which substantially departs from the standard of care ordinarily exercised by a massage therapist or bodywork therapist whether or not injury results.

23. Failing to inform a client about contraindications of massage therapy or bodywork therapy.

24. Failing to complete continuing education requirements within the time period established by law.

25. Having a credential pertaining to the practice of massage therapy or bodywork therapy result in adverse action by any agency of this or another state, or by an agency or authority within the federal government, which results in any disciplinary action including limitation, restrictions, suspension, revocation, or any other disciplinary action. This paragraph applies whether the adverse action results in temporary or permanent

limitations, restriction, suspension, revocation, or any other disciplinary action. This paragraph applies whether or not the adverse action is accompanied by findings of negligence or unprofessional conduct.

26. Violation or conviction of any federal or state law or rule, including criminal law, which is substantially related to the practice of massage therapy or bodywork therapy. For the purposes of this subsection the following may apply:

(a) Except as otherwise provided by law, a certified copy of a relevant decision by a state or federal court or agency charged with making legal determinations relevant to this paragraph is conclusive evidence of its findings of facts and conclusions of law.

(b) Under this paragraph, the department has the burden of proving that the act is substantially related to the practice of massage therapy or bodywork therapy.

27. Failure to report to the board any incident in which the licensee has direct knowledge of reasonable cause to suspect that a massage therapist or bodywork therapist has committed any unprofessional, incompetent , or illegal act in violation of state or federal statute, administrative rule, or orders of the board. Reports shall be made within the time necessary to protect patients from further unacceptable risk of harm, but no more than 30 days after the required reporter obtained knowledge of the act.

28. Failing to display his or her license in his or her place of business or practice so that it can easily be seen and read by the public.

SECTION 4. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____ Agency _____

Chairperson
Massage Therapy and Bodywork Therapy
Affiliated Credentialing Board