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**PHYSICAL THERAPY EXAMINING BOARD**  
**Room 121A, 1400 East Washington Avenue, Madison**  
**Contact: Tom Ryan (608) 266-2112**  
**February 27, 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**

**8:30 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A) Adoption of Agenda**
- B) Welcome New Members**
- C) Approval of Minutes of December 5, 2013 (5-10)**
- D) Appointments/Reappointments/Confirmations**
  - 1) Sarah Olson **(11-12)**
  - 2) Lori Dominiczak **(13-14)**
  - 3) Thomas Murphy **(15-16)**
  - 4) Recognition of Jane Stroede, PTA
- 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 (Proposing a New Department of Agriculture, Regulation and Trade, or “DART”) Report – Discussion of Findings and Recommendations **(17-146)**
  - 3) Board Member Training – February 28, 2014
  - 4) Election of Officers
    - a) Chair
    - b) Vice Chair
    - c) Secretary

- 5) Appointment of Liaisons, Alternates, and Delegates
  - a) Credentialing Liaisons (2) and Alternate
  - b) Monitoring Liaison and Alternate
  - c) Education and Exams Liaisons (2) and Alternate
  - d) Legislative Liaison and Alternate
  - e) Travel Liaison and Alternate
  - f) Rules Liaison and Alternate
  - g) Professional Assistance Procedure Liaison and Alternate **(147-152)**
  - h) Website Liaisons (2)
  - i) Other Liaison(s)
  - j) Screening Panel (2 Members, 1 Alternate)
- 6) Delegated Authority Motions **(153-154)**
  
- F) Federation of State Boards of Physical Therapy (FSBPT) Matters**
  - 1) Updates to Supervised Clinical Practice for Foreign Educated Physical Therapists **(155-184)**
  
- G) Review of Current Requirements for Ratio of Supervised PTA's Per PT, and the Level of Supervision Required (185-188)**
  
- H) Report from WPTA Representative Mike Edwards, Regarding WPTA CE Approval Process and Audit Outcome (189-190)**
  - 1) 9:30 A.M. – APPEARANCE – Mike Edwards, WPTA
  
- I) PT/PTA Students Providing Services After Discharge**
  
- J) Three-Year Language Found in Wis. Stat. § 448.53(3) and Wisconsin Administrative Code chs. PT 1, 2, and 3 – Active Practice Rule – Board Discussion (191-192)**
  
- K) Applicability of Wisconsin Administrative Code PT 3.02 Relative to Foreign License Applicants Who Have Not Practiced in the United States (193-194)**
  
- L) Legislative/Administrative Rule Matters:**
  - 1) Current and Future Rule Making and Legislative Initiatives
  - 2) Administrative Rules Report
  - 3) 2013 Wisconsin Act 114 and PT 1.04 **(195-202)**
  - 4) 2013 Assembly Bill 658 - Physical Therapists Ordering X-Rays **(203-204)**

- M) 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)
- N) Public Comments

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

- O) Review of Oral Exam Question Bank (205-206)**
- 1) **11:00 A.M. – APPEARANCE** – Aaron Knautz, Department Licensing Exams Specialist
- P) Full Board Oral Examination of One Candidate for Licensure**
- 1) **11:20 A.M. –APPEARANCE** – Erin Spencer **(207-208)**
- Q) Presentation and Deliberation on Administrative Warnings:**
- 1) 13 PHT 017 (S.J.J.) **(209-210)**
- R) Case Status Report (211-212)**

S) 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

T) **Consulting with Legal Counsel**

- 1) Acupuncture Center, Inc. v. DSPS and Physical Therapy Examining Board **(213-222)**

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

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

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

**ADJOURNMENT**

**PHYSICAL THERAPY EXAMINING BOARD  
DECEMBER 5, 2013  
MINUTES**

**PRESENT:** Shari Berry, PT; Lori Dominiczak, PT; Thomas Murphy; Jane Stroede, PTA;  
Michele Thorman, PT

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

**CALL TO ORDER**

Michele Thorman, Chair, called the meeting to order at 8:30 a.m. A quorum of five (5) members was present.

**ADOPTION OF AGENDA**

**Amendments:**

- Item G (open) – Credentialing Matters
  - 1) FSBPT Supervised Clinical Practice, insert additional materials after page 32
- Item I (open) –Legislation/Administrative Rules Matters
  - 1) Executive Order 50 – Review of Position Statements, insert additional materials after page 40
- Item P (closed) – Review of Administrative Warning, is removed from the agenda
- Item T1 (closed) – Is removed from the agenda. Item T remains on the agenda.

**MOTION:** Shari Berry moved, seconded by Lori Dominiczak, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF SEPTEMBER 26, 2013**

**MOTION:** Thomas Murphy moved, seconded by Shari Berry, to approve the minutes of September 26, 2013 as written. Motion carried unanimously.

## EDUCATION AND EXAMINATION MATTERS

### Update on Oral Exam Item Review

**MOTION:** Shari Berry moved, seconded by Jane Stroede, to create a work group to review the oral examination question bank and to bring the categorized question recommendations to the next meeting. Michele Thorman and Shari Berry will be on the work group in collaboration with Aaron Knautz. Motion carried unanimously.

### Update on Foreign Trained Education Evaluation Services

**MOTION:** Lori Dominiczak moved, seconded by Shari Berry, to direct the Office of Education and Examinations to request information from each of the four equivalency evaluation organizations to review for approval status and to bring the information to the next Board meeting. Motion carried unanimously.

## CREDENTIALING MATTERS

### FSBPT Supervised Clinical Practice as a Requirement for Licensure

**MOTION:** Lori Dominiczak moved, seconded by Shari Berry, to appoint Michele Thorman as the designee and Lori Dominiczak as the alternate, to present the issue of the FSBPT supervised clinical practice as a requirement for licensure at the WPTA Spring Conference Issues Forum and to bring comments back to the May 29, 2014 Board meeting. Motion carried unanimously.

**MOTION:** Lori Dominiczak moved, seconded by Shari Berry, to seek opinion regarding the applicability of PT 3.02 relative to foreign licensed applicants who have not practiced in the United States. Motion carried unanimously.

## LEGISLATION/ADMINISTRATIVE RULES MATTERS

### Executive Order 50 – Review of Position Statements

**MOTION:** Shari Berry moved, seconded by Jane Stroede, to remove the position statement **“MAY A PHYSICAL THERAPIST NOT LICENSED IN THE STATE OF WISCONSIN PERFORM A HOME EVALUATION?”** from the DSPS website. Motion carried unanimously.

**MOTION:** Jane Stroede moved, seconded by Shari Berry, to remove the position statement **“CAN A WISCONSIN PHYSICAL THERAPIST OR PHYSICAL THERAPIST ASSISTANT DO INR (INTERNATIONAL NORMALIZED RATIO) MONITORING?”** from the DSPS website. Motion carried unanimously.

**MOTION:** Shari Berry moved, seconded by Lori Dominiczak, to remove the position Statement **“CAN A WISCONSIN PHYSICAL THERAPIST OR PHYSICAL THERAPIST ASSISTANT DO INR (INTERNATIONAL NORMALIZED RATIO) MONITORING?”** from the DSPS website. Motion carried unanimously.

**MOTION:** Lori Dominiczak moved, seconded by Jane Stroede, to revise the language of the position statement **“MAY A PHYSICAL THERAPIST ASSISTANT LICENSED IN WISCONSIN PERFORM JOINT MOBILIZATION AND MUSCLE ENERGY TECHNIQUES UNDER THE DIRECT SUPERVISION OF A LICENSED PHYSICAL THERAPIST?”** to the following:

As per Wis. Admin. Code s. PT 5.01(2)(g), a physical therapist may delegate appropriate portions of the treatment plan and program to the physical therapist assistant consistent with the physical therapist assistant’s education, training and experience. The physical therapist is responsible for managing all aspects of the physical therapy care of each patient under his or her care (Wis. Stat. s 448.56(4)).

Motion carried unanimously.

**MOTION:** Shari Berry moved, seconded by Thomas Murphy, to remove the position statement **“IN THE STATE OF WISCONSIN CAN A PHYSICAL THERAPIST ASSISTANT SUPERVISE A PT AIDE?”** from the DSPS website. Motion carried unanimously.

**MOTION:** Lori Dominiczak moved, seconded by Thomas Murphy, to remove the position statement **“IS REHABILITATIVE ULTRASOUND IMAGING (RUSI) CONSIDERED WITHIN THE SCOPE OF PRACTICE FOR PHYSICAL THERAPISTS LICENSED IN THE STATE OF WISCONSIN?”** from the DSPS website Motion carried unanimously.

**MOTION:** Shari Berry moved, seconded by Jane Stroede, to make no changes to the language of the position statement **WHO CAN SUPERVISE A PT /PTA WITH A TEMPORARY LICENSE?”** Motion carried unanimously.

**MOTION:** Shari Berry moved, seconded by Thomas Murphy, to remove the position statement **“CAN A PT/PTA WITH A TEMPORARY LICENSE HAVE MORE THAN ONE SUPERVISING PT?”** from the DSPS website. Motion carried unanimously.

**MOTION:** Shari Berry moved, seconded by Thomas Murphy, to remove the position statement **“CAN A TEMPORARY LICENSED PT SUPERVISE A LICENSED PTA?”** from the DSPS website. Motion carried unanimously.

**MOTION:** Lori Dominiczak moved, seconded by Shari Berry, to eliminate the last sentence in the position statement **“CAN A PHYSICAL THERAPIST PRACTICING IN A SCHOOL IN THE STATE OF WISCONSIN PROVIDE SERVICES AT A UNIVERSAL LEVEL (I.E. OFFER INTERVENTION STRATEGIES FOR STUDENTS NOT IDENTIFIED AS STUDENTS WITH DISABILITIES OR PROVIDING SERVICES RELATED TO PREVENTION, FITNESS AND WELLNESS)?”** and to amend the language as follows:

Wis. Stat. s 448.50(4)(a)3 in part, defines physical therapy as “reducing risk of injury, impairment, functional limitation, or disability, including by promoting or maintaining fitness, health, or quality of life in all age populations.” Written referral for physical therapy services for children with disabilities in schools is not required as stated in Wis. Stat. s 448.56(1).

Motion carried unanimously.

### CLOSED SESSION

**MOTION:** Michele Thorman moved seconded by Lori Dominiczak, to convene to closed session to deliberate on cases following hearing (Wis. Stat. s. 19.85(1)(a),); to consider licensure or certification of individuals (Wis. Stat s. 19.85(1)(b), Stats.; to consider closing disciplinary investigations with administrative warnings (Wis. Stat. s. 19.85 (1)(b), and 440.205,); to consider individual histories or disciplinary data (Wis. Stat. s. 19.85 (1)(f),); and to confer with legal counsel (Wis. Stat. s. 19.85(1)(g),). Michele Thorman read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Shari Berry-yes; Lori Dominiczak-yes; Thomas Murphy-yes; Jane Stroede-yes; and Michele Thorman-yes. Motion carried unanimously.

The Board convened into closed session at 11:34 a.m.

### RECONVENE INTO OPEN SESSION

**MOTION:** Michele Thorman moved, seconded by Thomas Murphy, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 11:50 a.m.

### VOTING ON ITEMS CONSIDERED OR DELIBERATED IN CLOSED SESSION

#### REAFFIRM ALL VOTES MADE IN CLOSED SESSION

**MOTION:** Lori Dominiczak moved, seconded by Jane Stroede, to reaffirm all votes made in closed session. Motion carried unanimously.

### ORDER FIXING COSTS

**MOTION:** Shari Berry moved, seconded by Lori Dominiczak, to adopt the Order Fixing Cost in the matter of disciplinary proceedings against **Luke W. Hayes, PT, Order No 2658 (DHA Case # SPS-12-0055, DLSC Case # 10 PHT 019)**. Motion carried unanimously.

**CASE CLOSING(S)**

**MOTION:** Jane Stroede moved, seconded by Thomas Murphy, to close case **13 PHT 012 (B.K.C.) for no violation.** Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Jane Stroede moved, seconded by Shari Berry, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:54 a.m.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Karen Rude-Evans, Bureau Assistant, On Behalf of Executive Director Tom Ryan		<b>2) Date When Request Submitted:</b>  December 19, 2013  Items will be considered late if submitted after 4:30 p.m. on the deadline date: <ul style="list-style-type: none"> <li>▪ 8 business days before the meeting for paperless boards</li> <li>▪ 14 business days before the meeting for all others</li> </ul>	
<b>3) Name of Board, Committee, Council, Sections:</b>  Physical Therapy Examining Board			
<b>4) Meeting Date:</b>  February 27, 2014	<b>5) Attachments:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  Introduction of New Appointment - Sarah Olson, PTA, and recognition of Jane Stroede, PTA	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>  Introduction of new Board appointee Sarah Olson, PTA, and recognition of Board Member Jane Stroede, PTA.			
<b>11) Authorization</b>			
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			
<b>Directions for including supporting documents:</b> 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.			



**SCOTT WALKER**  
**OFFICE OF THE GOVERNOR**  
**STATE OF WISCONSIN**

P.O. Box 7863  
MADISON, WI 53707

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**GOVERNOR'S APPOINTMENT**

**NAME:** Ms. Sarah Olson

**MAILING ADDRESS:** [REDACTED]

**E-MAIL ADDRESS:** [REDACTED]

**RESIDES IN:** [REDACTED]

**TELEPHONE:** [REDACTED]

**OCCUPATION:** [REDACTED]

**APPOINTED TO:** Physical Therapy Examining Board  
Physical Therapist Assistant

**TERM:** A term to expire July 1, 2017

**SUCCEEDS:** Ms. Jane L. Stroede

**SENATE CONFIRMATION:** Required

**DATE OF APPOINTMENT:** December 18, 2013

**DATE OF NOMINATION:** December 18, 2013



**SCOTT WALKER**  
**OFFICE OF THE GOVERNOR**  
**STATE OF WISCONSIN**

P.O. Box 7863  
MADISON, WI 53707

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**GOVERNOR'S APPOINTMENT**

**NAME:** Ms. Lori Dominiczak

**MAILING ADDRESS:** [REDACTED]

**E-MAIL ADDRESS:** [REDACTED]

**RESIDES IN:** [REDACTED]

**TELEPHONE:** [REDACTED]

**OCCUPATION:** [REDACTED]

**APPOINTED TO:** Physical Therapy Examining Board  
Physical Therapist 3

**TERM:** A term to expire July 1, 2017

**SUCCEEDS:** Herself

**SENATE CONFIRMATION:** Required

**DATE OF APPOINTMENT:** July 1, 2013

**DATE OF NOMINATION:** May 31, 2013

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**SCOTT WALKER**  
**OFFICE OF THE GOVERNOR**  
**STATE OF WISCONSIN**

P.O. Box 7863  
MADISON, WI 53707

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**GOVERNOR'S APPOINTMENT**

**NAME:** Mr. Thomas Murphy

**MAILING ADDRESS:** [REDACTED]

**E-MAIL ADDRESS:** [REDACTED]

**RESIDES IN:** [REDACTED]

**TELEPHONE:** [REDACTED]

**OCCUPATION:** [REDACTED]

**APPOINTED TO:** Physical Therapy Examining Board  
Public Member

**TERM:** A term to expire July 1, 2017

**SUCCEEDS:** Himself

**SENATE CONFIRMATION:** Required

**DATE OF APPOINTMENT:** December 18, 2013

**DATE OF NOMINATION:** December 18, 2013

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**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Daniel Agne, Bureau Assistant on behalf of Tom Ryan, Executive Director</b>		2) Date When Request Submitted:  <b>1/8/14</b>	
		Items will be considered late if submitted after 4:30 p.m. on the deadline date: <ul style="list-style-type: none"> <li>▪ 8 business days before the meeting for paperless boards</li> <li>▪ 14 business days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections:  <b>Physical Therapists Board</b>			
4) Meeting Date:  <b>2/27/14</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  <b>Study on the Potential Consolidation of the Department of Agriculture, Trade and Consumer Protection with the DSPS (DART) Report - Discussion of Findings and Recommendations</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  <b>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.</b>			
11) <b>Authorization</b>			
<b>Daniel Agne</b> 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.			

**From:** [REDACTED]  
**Subject:** DART Study Report  
**Date:** Monday, December 30, 2013 2:30:10 PM

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**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](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.



**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  
Fax (608) 267-3842  
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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](mailto: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 DSPTS 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 DSPTS 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 DSPTS, which totaled 428,954 emails. In addition to agency contacts, the survey was also distributed to members of the DATCP and DSPTS 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.

<b>Table 1: Respondents by Profession</b>		
<b>Profession</b>	<b>Respondents</b>	<b>Percent of Total</b>
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%
<i>Subtotal</i>	<b>24,438</b>	<b>98.0%</b>
<b>More than One Response</b>		
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%
<i>Subtotal</i>	<b>511</b>	<b>2.1%</b>
<b>Grand Total</b>	<b>24,949</b>	<b>100.0%</b>

**Table 2: Total Respondents by County**

<b>County</b>	<b>Respondents</b>	<b>Percentage</b>	<b>County</b>	<b>Respondents</b>	<b>Percentage</b>
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%			
<b>Counties Represented</b>		<b>72</b>			
<b>Total Respondents</b>		<b>24,949</b>			

<b>Table 3: Respondents by Reason for Agency Contact</b>		
<b>Reason for Contact</b>	<b>Respondents</b>	<b>Percent of Total</b>
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%
<b>Grand Total</b>	<b>24,949</b>	<b>100.0%</b>

<b>Source of Contact</b>	<b>Respondents</b>	<b>Percent of Total</b>
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%
<b>Grand Total</b>	<b>24,949</b>	<b>100.0%</b>

<b>Employees</b>		<b>Respondents</b>		<b>Categorized responses to the question: How many part time people do you employ?</b>	
<b>Employees</b>	<b>Respondents</b>	<b>Employees</b>	<b>Respondents</b>	<b>Employees</b>	<b>Respondents</b>
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		
<i>Subtotal</i>	<i>1,974</i>	<i>Subtotal</i>	<i>1,938</i>		
No response	22,975	No response	23,011		
<b>Total</b>	<b>24,949</b>	<b>Total</b>	<b>24,949</b>		

## 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.

<b>Table 6: Do you believe there should be one agency responsible for all licensing and permitting in Wisconsin?</b>		
<b>Response</b>	<b>Respondents</b>	<b>Percentage</b>
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%

<b>Table 7: Do you believe there should be one agency responsible solely for Agriculture and food safety in Wisconsin?</b>		
<b>Response</b>	<b>Respondents</b>	<b>Percentage</b>
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?**

<b>Response</b>	<b>Respondents</b>	<b>Percentage</b>
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%
<b>Total Respondents</b>	<b>24,949</b>	<b>100.0%</b>

**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?**

<b>Response</b>	<b>Respondents</b>	<b>Percentage</b>
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%
<b>Total Respondents</b>	<b>24,949</b>	<b>100.0%</b>

**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?**

<b>Response</b>	<b>Respondents</b>	<b>Percentage</b>
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%
<b>Total Respondents</b>	<b>24,949</b>	<b>0.0%</b>

## 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.

<b>Table 11: DATCP - How would you rate your overall experience with the agency?</b>		
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%
<b>Total</b>	<b>1,553</b>	<b>100%</b>
Not Asked/No Response		23,396

<b>Table 12: DATCP - How would you rate the licensing process?</b>		
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%
<b>Total</b>	<b>1,518</b>	<b>100%</b>
Not Asked/No Response		23,431

<b>Table 13: DATCP - After submitting your application, what length of time did you wait for your license?</b>		
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%
<b>Total</b>	<b>1,206</b>	<b>100%</b>
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%
<b>Total</b>	<b>1,351</b>	<b>100%</b>
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%
<b>Total</b>	<b>1,385</b>	<b>100%</b>
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%
<b>Total</b>	<b>1,349</b>	<b>100%</b>
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%
<b>Total</b>	<b>1,376</b>	<b>100%</b>
Not Asked/No Response	23,573	

## Performance Evaluation Questions – DSPTS

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

<b>Table 18: DSPTS - How would you rate your overall experience with the agency?</b>		
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%
<b>Total</b>	<b>16,465</b>	<b>100%</b>
Not Asked/No Response		8,484

<b>Table 20: DSPTS - How would you rate the licensing process?</b>		
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%
<b>Total</b>	<b>16,382</b>	<b>100%</b>
Not Asked/No Response		8,567

<b>Table 21: DSPTS - After submitting your application, what length of time did you wait for your license?</b>		
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%
<b>Total</b>	<b>15,630</b>	<b>100%</b>
Not Asked/No Response		9,319

<b>Table 22: DSPS - How satisfied are you with the time it takes to receive your license after you apply?</b>		
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%
<b>Total</b>	<b>16,006</b>	<b>100%</b>
Not Asked/No Response		8,943

<b>Table 24: DSPS - How much value do you believe there is relative to fees paid to be a license holder?</b>		
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%
<b>Total</b>	<b>16,256</b>	<b>100%</b>
Not Asked/No Response		8,693

<b>Table 24: DSPS - How frequently, if at all, should you be required to renew your license?</b>		
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%
<b>Total</b>	<b>16,377</b>	<b>100%</b>
Not Asked/No Response		8,572

<b>Table 25: DSPS - What is your opinion of the continuing education requirements, if any, for your license?</b>		
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%
<b>Total</b>	<b>16,393</b>	<b>100%</b>
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

Page 2

### Background Information

In which county do you reside?

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

Page 3

### 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

**Page 4**

### Employee Count

In which county is your business located?

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

**Page 6**

## Trade Professions

Select category.

- |   |   |                                     |
|---|---|-------------------------------------|
| <input type="checkbox"/> Fire Sprinkler | <input type="checkbox"/> Dwellings, Structures, Sites | <input type="checkbox"/> Mechanical |
| <input type="checkbox"/> Blasting       | <input type="checkbox"/> Conveyance                   | <input type="checkbox"/> Electrical |
| <input type="checkbox"/> Plumbing       | <input type="checkbox"/> 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 Distribute
- 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
- Swine; Pseudorabies Qualified Negative Herd Certification
- Telephone Solicitors Registration (Wisconsin "No Call" Program)
- Time-Share Seller; Security Requirement
- Vegetable Contractor License
- Veterinarian; 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 Measures; Vehicle Scale Operator License

## **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

## **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

## **Manufactured Homes**

Select license

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

### 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

### 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

### 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

### 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

### 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

### 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

### Trades Professions - Mechanical

Select license

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

### 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:

**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 safety 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, WFGV
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.

<b>Number</b>	<b>Organization</b>
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.

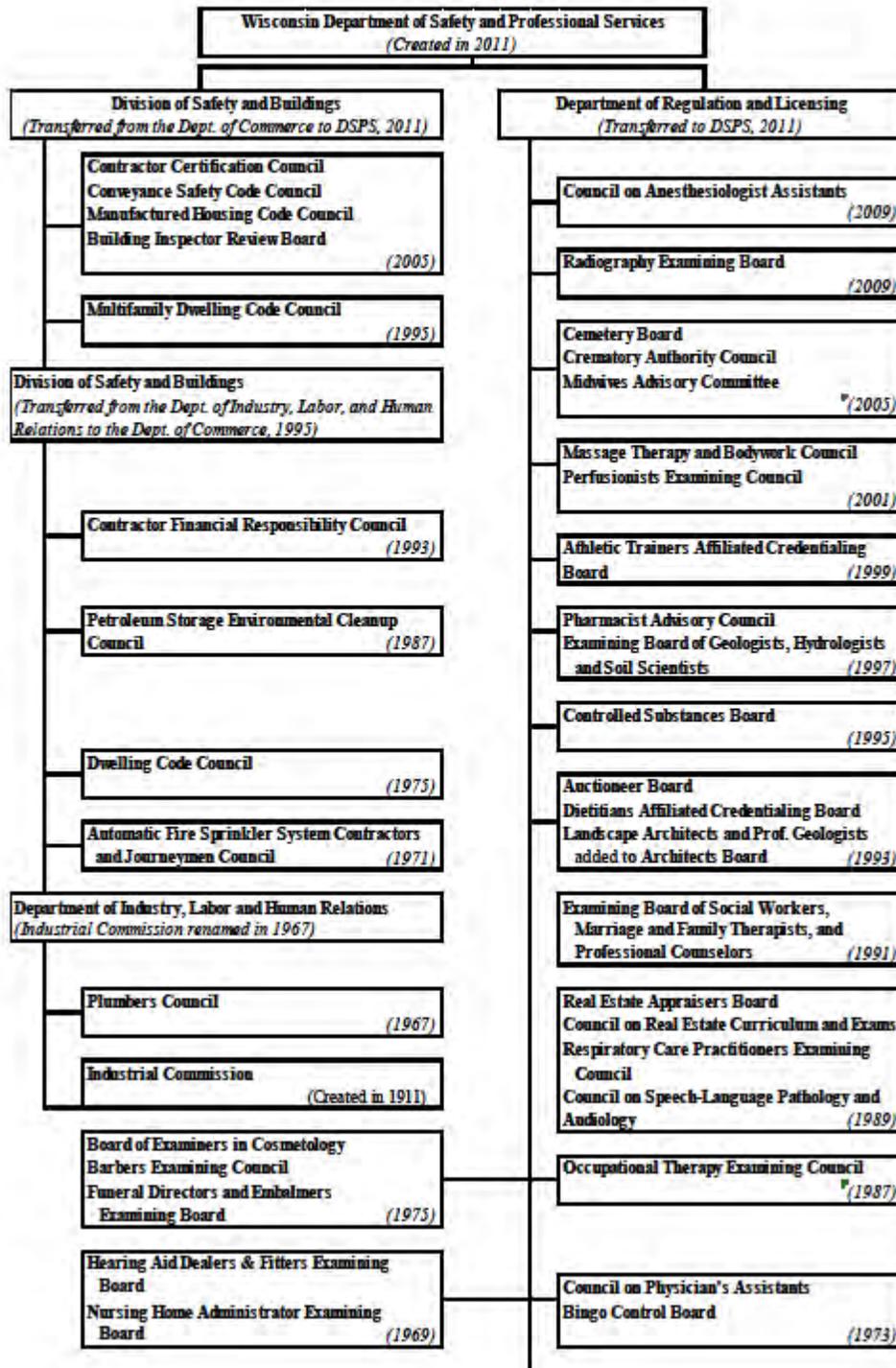
### ***Agency History***

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.

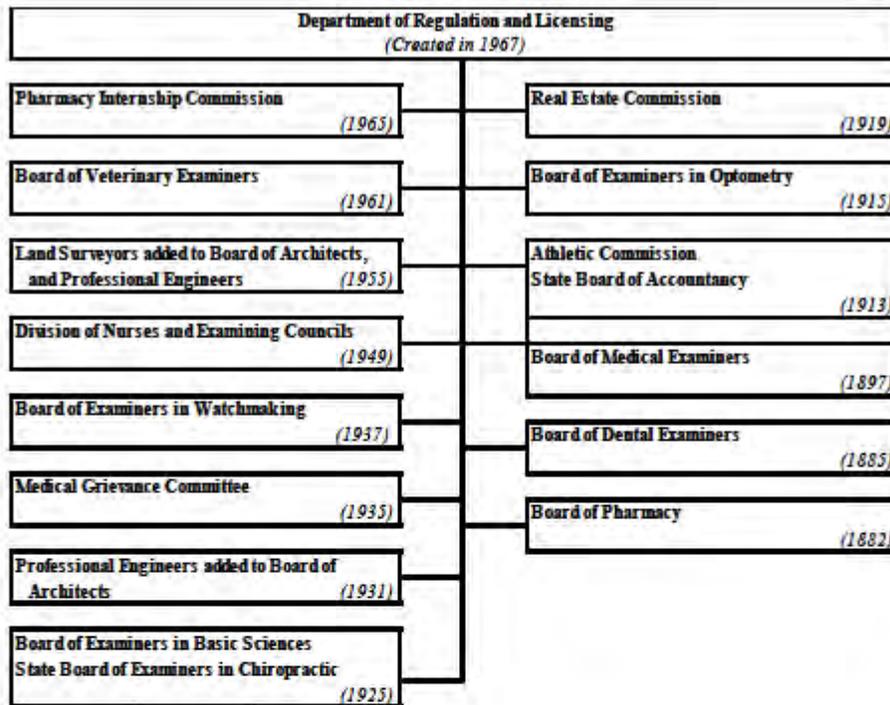
The 2011-13 biennial budget, 2011 Wisconsin Act 32, created the Department of Safety and Professional Services. DSPS was responsible for all the functions of DRL, as well as additional responsibilities related to environmental regulatory services, and safety and buildings, which were transferred from 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**



**Item 1: DSPS History - Continued**



**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**

<b>Budget Fiscal Year</b>						
	2011-13 Biennium			2013-15 Biennium		
<b>Fund Source</b>	<b>2012</b>	<b>2013</b>	<b>FTE</b>	<b>2014</b>	<b>2015</b>	<b>FTE</b>
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	-	-	-
<b>Total</b>	<b>\$81,885,500</b>	<b>\$82,135,500</b>	<b>369.6</b>	<b>\$50,918,600</b>	<b>\$51,186,700</b>	<b>262.6</b>

## **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**

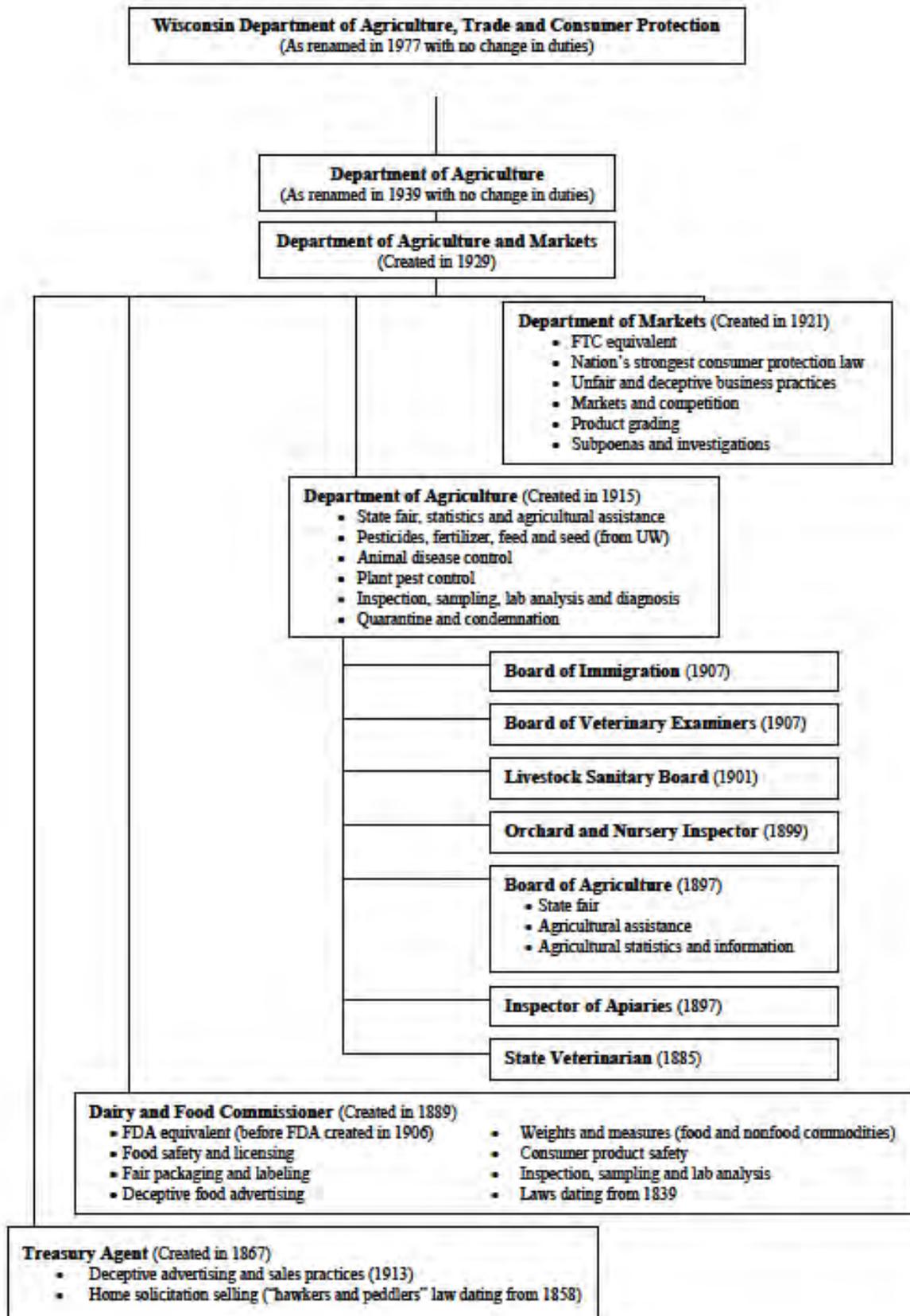
<b>Budget Fiscal Year</b>						
	2011-13 Biennium			2013-15 Biennium		
<b>Fund Source</b>	<b>2012</b>	<b>2013</b>	<b>FTE</b>	<b>2014</b>	<b>2015</b>	<b>FTE</b>
Program Revenue	\$44,213,800	\$44,389,200	283.6	\$37,103,100	\$37,048,700	283.6
GPR	26,612,300	28,375,900	210.0	26,878,900	26,488,800	211.0
Segregated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

**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**

<b>Respondents by Source of Survey Contact</b>		
<b>Source of Contact</b>	<b>Respondents</b>	<b>Percent of Total</b>
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%
<b>Grand Total</b>	<b>24,949</b>	<b>100.0%</b>

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**

<b>Respondents by Source of Survey Contact</b>			
<b>Source of Contact</b>	<b>Surveys Distributed</b>	<b>Respondents</b>	<b>Response Rate</b>
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**

<b>Respondents by Profession</b>		
<b>Profession</b>	<b>Respondents</b>	<b>Percent of Total</b>
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%
<i>Subtotal</i>	<b>24,438</b>	<b>98.0%</b>
<b>Multiple Professions Identified/Multiple License Holder</b>		
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%
<i>Subtotal</i>	<b>511</b>	<b>2.1%</b>
<b>Grand Total</b>	<b>24,949</b>	<b>100.0%</b>

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 DSPPS 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**

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

<b>Department</b>	<b>Responses</b>
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**

<b>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?</b>		
<b>Excludes respondents that did not respond to the question</b>		
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%
<b>Total Respondents</b>	<b>20,574</b>	<b>100.00%</b>

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 DSPPS 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**

<b>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?</b>		
<b>Excludes respondents that did not respond to the question</b>		
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%
<b>Total Respondents</b>	<b>20,519</b>	<b>100.0%</b>

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**

<b>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?</b>		
<b>Excludes surveys that did not respond to the question</b>		
Increase focus	749	3.6%
Stay the same	2,981	14.5%
Reduce focus	12,487	60.7%
Unsure	4,364	21.2%
<b>Total Respondents</b>	<b>20,581</b>	<b>100%</b>

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**

<b>Type of Comment</b>	<b>Respondents</b>	<b>Percentage</b>
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

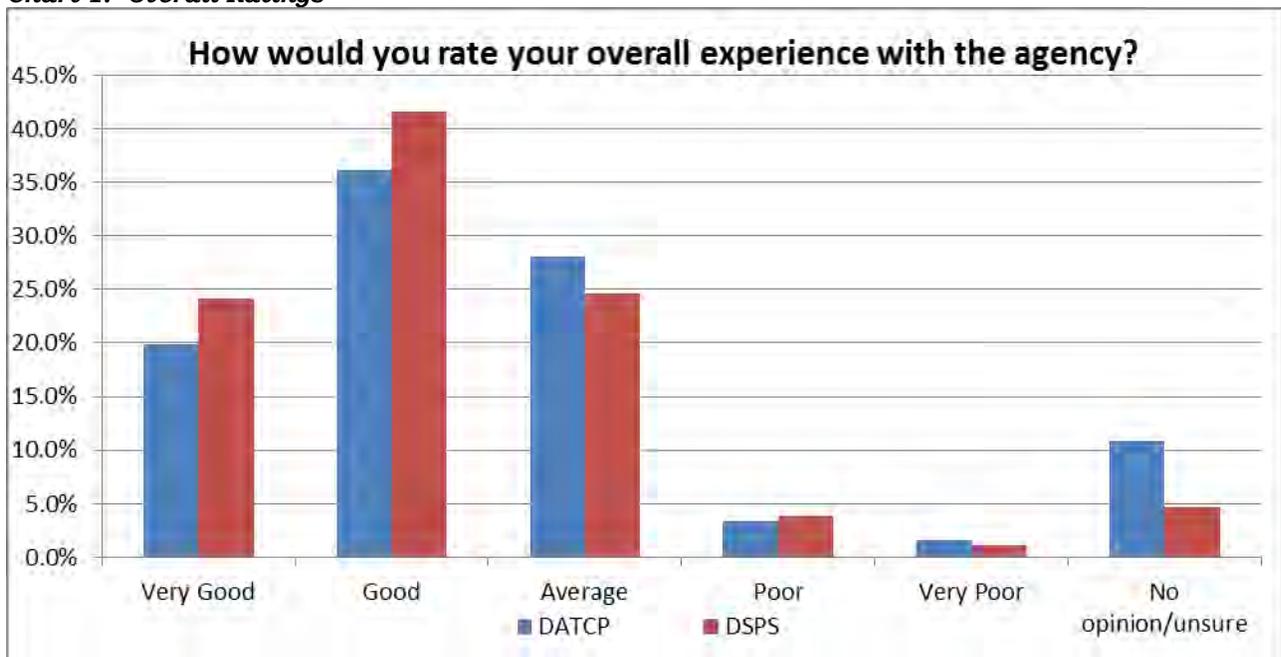
merger. Second, there is an expectation that the newly created agency would lose focus on the individual functions currently assigned to DSPS and DATCP.

### 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?

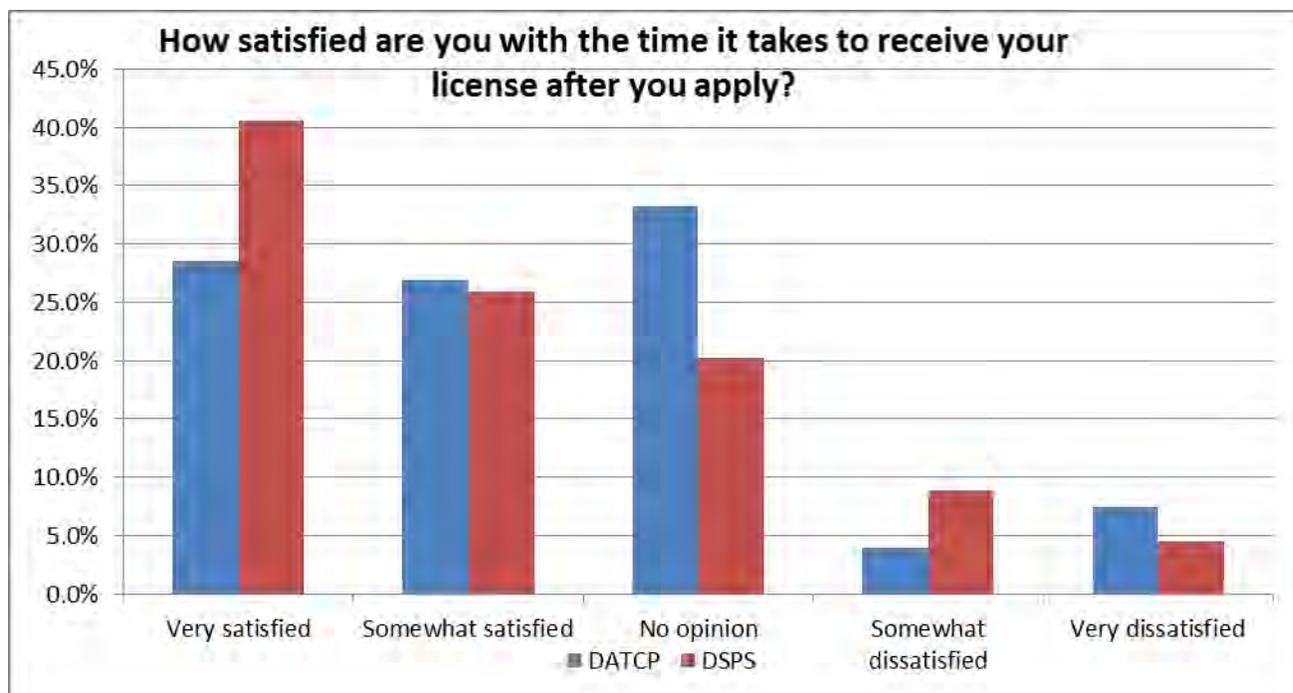
The following charts show the overall performance evaluation of two agencies: DSPS, DATCP. The following chart shows the responses to the question "How would you rate your overall experience with the agency?"

**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**

<b>How much value do you believe there is relative to fees paid to be a DSPS license holder?</b>		
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%
<b>Total Respondents</b>	<b>16,256</b>	<b>100%</b>

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 DSPP 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 DSPP 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 DSPP 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**

<b>Position</b>	<b>FTE</b>	<b>Salary</b>	<b>Fringe Benefits</b>	<b>Total</b>
Secretary	1.0	\$110,000	\$50,000	\$160,000
Deputy Secretary	1.0	100,000	40,000	140,000
Assistant Deputy Secretary	1.0	<u>100,000</u>	<u>40,000</u>	<u>140,000</u>
<i>Subtotal</i>	<i>6.0</i>	<i>\$310,000</i>	<i>\$130,000</i>	<i>\$440,000</i>

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**

<b>Position</b>	<b>FTE</b>	<b>Salary</b>	<b>Fringe</b>	<b>Total</b>
Human Resources Manager	1.0	\$100,000	\$40,000	\$140,000
Budget and Policy Analyst	1.0	<u>50,000</u>	<u>20,000</u>	<u>70,000</u>
<i>Subtotal</i>		<i>\$150,000</i>	<i>\$60,000</i>	<i>\$210,000</i>

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**

<b>Agency</b>	<b>Project</b>	<b>Goals, Results and Recommendations</b>
DATCP	Out of State Travel Authorization	<ul style="list-style-type: none"> <li>• Redesign process flow to move finance notification to end of process.</li> <li>• Provide documentation of the process, and instructions for appeal of denied requests.</li> <li>• Enhance electronic submittal process, currently in use in one division, to provide departmentwide service.</li> </ul>
DATCP	Division of Food Safety Dissemination of Lab Results/ Agricultural Resource Management Dissemination of Lab Results	<ul style="list-style-type: none"> <li>• Scan lab analysis report upon printing and email a .pdf version of the report to appropriate field staff.</li> <li>• Set up a system through GovDelivery to generate automated messages for field inspectors.</li> <li>• Encourage greater use of electronic database containing lab results.</li> <li>• Print lab reports for archival purposes, but also stored as image in special drive as a pdf file.</li> </ul>
DATCP	Feed Sampling in the Bureau of Agrichemical Management	<ul style="list-style-type: none"> <li>• Determine the appropriate number of surveillance feed samples to collect each year.</li> <li>• Develop standard procedures and guidance to ensure the appropriate number of surveillance feed samples are collected each year.</li> <li>• Increase, by a minimum of 200%, the number of surveillance feed samples collected in 2013 over those collected in 2012.</li> </ul>
DATCP	SWRM cost-share transfers: Simplifying routine approvals	<ul style="list-style-type: none"> <li>• Identify more efficient ways to process this routine transaction.</li> <li>• Reduce reliance on paper documentation.</li> <li>• Reduce workload for frontline staff.</li> </ul>
DATCP	Division of Ag Resource Management - The Staff Trackers	<ul style="list-style-type: none"> <li>• Information is collected in a timely and efficient manner.</li> <li>• Eliminate redundancy where it is found.</li> <li>• Reduce collection of inaccurate information.</li> </ul>

DATCP	Bureau of Labs - Records Storage and Retrieval	<ul style="list-style-type: none"> <li>• Determine the deficiencies of the current system and propose resolutions.</li> <li>• Define a systematic, efficient and applicable method for categorizing the records and documents.</li> <li>• Design a uniform and systematic nomenclature to be used for storage and retrieval of the records.</li> <li>• Provide sufficient directions to the BLS staff to organize, label their documents to be delivered for storage including the delivery location.</li> </ul>
DATCP	Bulk Milk Weigher and Sampler Program	<ul style="list-style-type: none"> <li>• Revise the Bulk Milk Weigher and Sampler (BMWS) licensing process to reduce cost for BMWS exam proctoring and field evaluations.</li> <li>• Ensure all BMWS license applicants receive an exam and licensing inspection before issuance of a temporary BMWS license.</li> <li>• Streamline the licensing process to increase external and internal customer satisfaction.</li> <li>• 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.</li> </ul>
DATCP	Establish a consistent renewal process for registrations, certifications and licenses	<ul style="list-style-type: none"> <li>• Standardize the process followed by program staff when reviewing applications for renewal of registrations, certifications and licenses.</li> <li>• Establish and measure baseline expectations for processing applications.</li> <li>• Reduce the amount of time required to renew a registration, certification or license.</li> <li>• Reduce the number of mistakes when verifying required information.</li> </ul>
DSPS	Employee Training	<ul style="list-style-type: none"> <li>• Improve process for training and approvals.</li> </ul>

DSPS	Complaint Intake/Screening and Monitoring PAP Processes	<ul style="list-style-type: none"> <li>To increase staff productivity and capacity through the improvement of the intake/screening, monitoring/PAP and records process.</li> <li>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.</li> </ul>
DSPS	Paperless Office - Phase 1	<ul style="list-style-type: none"> <li>Promote operational effectiveness, a productive use of space, simplified processes and maximize staff resources.</li> <li>Eliminated 214 file cabinets, 18 bookcases, 144 feet of open shelving.</li> </ul>
DSPS	Practice Question Procedure	<ul style="list-style-type: none"> <li>Clarify the department's role as a regulatory agency and ensure that all documents interpreting statutes are identified.</li> <li>A new process for receiving and responding to professional practice questions was put in place.</li> </ul>
DSPS	Electronic Plan Review - Phase 2	<ul style="list-style-type: none"> <li>Improve the electronic plan review process through an analysis of current processes, procedures and tools.</li> </ul>
DSPS	Case Resolution	<ul style="list-style-type: none"> <li>Increase stakeholder satisfaction through the improvement of the case resolution process within the Division of Legal Services and Compliance.</li> <li>Achieved by target date and maintained consistency (52% reduction in pending caseload).</li> </ul>
DSPS	Complaint Intake and Screening Process	<ul style="list-style-type: none"> <li>Improve operational efficiency and stakeholder satisfaction through the centralization of complaint processing into the Division of Legal Services and Compliance.</li> </ul>
DSPS	Document Consistency	<ul style="list-style-type: none"> <li>Increase staff productivity, reduce errors, and create consistency in the production of documents by creating quality review processes and forms.</li> <li>Resulted in a much more comprehensive, review of legal work product along with a reduction in errors.</li> <li>Reduction in rejected proposed resolutions by professional boards.</li> </ul>

## **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?

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 (DSPA)
- Department of Agriculture, Trade and Consumer Protection (DATCP)
- Other agencies
- None

Page 3

### 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

**Page 4**

### 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

**Page 6**

### Trade Professions

Select category.

- |   |   |                                     |
|---|---|-------------------------------------|
| <input type="checkbox"/> Fire Sprinkler | <input type="checkbox"/> Dwellings, Structures, Sites | <input type="checkbox"/> Mechanical |
| <input type="checkbox"/> Blasting       | <input type="checkbox"/> Conveyance                   | <input type="checkbox"/> Electrical |

Plumbing

Inspection

## 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 Distribute
- 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; Brucellosis-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
- Swine; Pseudorabies Qualified Negative Herd Certification
- Telephone Solicitors Registration (Wisconsin "No Call" Program)
- Time-Share Seller; Security Requirement
- Vegetable Contractor License
- Veterinarian; 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 Measures; Vehicle Scale Operator License

## 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

## 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

## Manufactured Homes

Select license

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

## 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

### 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

### 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

### 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

### **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

### **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

### Trades Professions - Mechanical

Select license

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

### 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:

How would you improve your experience

⏪
⏩

How would you improve your experience with the licensing process

### Consolidation Input

Do you believe there should be one agency responsible solely for Agriculture and food safety 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

<b>Table 1: Total Respondents by County</b>					
<b>County</b>	<b>Respondents</b>	<b>Percentage</b>	<b>County</b>	<b>Respondents</b>	<b>Percentage</b>
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%			
<b>Counties Represented</b>		<b>72</b>			
<b>Total Respondents</b>		<b>24,949</b>			

<b>Table 2: Respondents by Profession</b>		
<b>Profession</b>	<b>Respondents</b>	<b>Percent of Total</b>
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%
<i>Subtotal</i>	<i>24,438</i>	<i>98.0%</i>
<b>More than One Response</b>		
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%
<i>Subtotal</i>	<i>511</i>	<i>2.1%</i>
<b>Grand Total</b>	<b>24,949</b>	<b>100.0%</b>

<b>Table 3: Respondents by Reason for Agency Contact</b>		
<b>Reason for Contact</b>	<b>Respondents</b>	<b>Percent of Total</b>
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%
<b>Grand Total</b>	<b>24,949</b>	<b>100.0%</b>
<b>Table 4: Respondents by Source of Survey Contact</b>		

<b>Source of Contact</b>	<b>Respondents</b>	<b>Percent of Total</b>
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%
<b>Grand Total</b>	<b>24,949</b>	<b>100.0%</b>

<b>Table 5: Categorized responses to the question: How many full time people do you employ?</b>		<b>Categorized responses to the question: How many part time people do you employ?</b>	
<b>Employees</b>	<b>Respondents</b>	<b>Employees</b>	<b>Respondents</b>
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
<i>Subtotal</i>	<i>1,974</i>	<i>Subtotal</i>	<i>1,938</i>
No response	22,975	No response	23,011
<b>Total</b>	<b>24,949</b>	<b>Total</b>	<b>24,949</b>

**Appendix 5: Complete Survey Responses - DATCP and DSPS**

<b>Table 1: Do you believe there should be one agency responsible for all licensing and permitting in Wisconsin?</b>		
<b>Response</b>	<b>Respondents</b>	<b>Percentage</b>
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%

<b>Table 2: Do you believe there should be one agency responsible solely for Agriculture and food safety in Wisconsin?</b>		
<b>Response</b>	<b>Respondents</b>	<b>Percentage</b>
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%

<b>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?</b>		
<b>Response</b>	<b>Respondents</b>	<b>Percentage</b>
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?**

<b>Response</b>	<b>Respondents</b>	<b>Percentage</b>
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%
<b>Total Respondents</b>	<b>24,949</b>	<b>100.0%</b>

**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?**

<b>Response</b>	<b>Respondents</b>	<b>Percentage</b>
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%
<b>Total Respondents</b>	<b>24,949</b>	<b>0.0%</b>

**Performance Evaluation Questions – DATCP**

<b>DATCP - How would you rate your overall experience with the agency?</b>		
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%
<b>Total</b>	<b>1,553</b>	<b>100%</b>
Not Asked/No Response	23,396	

<b>DATCP - How would you rate the licensing process?</b>		
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%
<b>Total</b>	<b>1,518</b>	<b>100%</b>
Not Asked/No Response	23,431	

<b>DATCP - After submitting your application, what length of time did you wait for your license?</b>		
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%
<b>Total</b>	<b>1,206</b>	<b>100%</b>
Not Asked/No Response	23,743	

<b>DATCP How satisfied are you with the time it takes to receive your license after you apply?</b>		
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%
<b>Total</b>	<b>1,351</b>	<b>100%</b>
Not Asked/No Response	23,598	

<b>DATCP - How much value do you believe there is relative to fees paid to be a license holder?</b>		
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%
<b>Total</b>	<b>1,385</b>	<b>100%</b>
Not Asked/No Response	23,564	

<b>DATCP - How frequently, if at all, should you be required to renew your license?</b>		
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%
<b>Total</b>	<b>1,349</b>	<b>100%</b>
Not Asked/No Response		23,600

<b>DATCP - What is your opinion of the continuing education requirements, if any, for your license?</b>		
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%
<b>Total</b>	<b>1,376</b>	<b>100%</b>
Not Asked/No Response		23,573

### Performance Evaluation Questions – DSPS

<b>DSPS - How would you rate your overall experience with the agency?</b>		
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%
<b>Total</b>	<b>16,465</b>	<b>100%</b>
Not Asked/No Response		8,484

<b>DSPS - How would you rate the licensing process?</b>		
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%
<b>Total</b>	<b>16,382</b>	<b>100%</b>
Not Asked/No Response		8,567

<b>DSPS - After submitting your application, what length of time did you wait for your license?</b>		
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%
<b>Total</b>	<b>15,630</b>	<b>100%</b>
Not Asked/No Response	9,319	

<b>DSPS - How satisfied are you with the time it takes to receive your license after you apply?</b>		
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%
<b>Total</b>	<b>16,006</b>	<b>100%</b>
Not Asked/No Response	8,943	

<b>DSPS - How much value do you believe there is relative to fees paid to be a license holder?</b>		
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%
<b>Total</b>	<b>16,256</b>	<b>100%</b>
Not Asked/No Response	8,693	

<b>DSPS - How frequently, if at all, should you be required to renew your license?</b>		
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%
<b>Total</b>	<b>16,377</b>	<b>100%</b>
Not Asked/No Response	8,572	

<b>DSPS - What is your opinion of the continuing education requirements, if any, for your license?</b>		
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%
<b>Total</b>	<b>16,393</b>	<b>100%</b>
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, WFGV
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

<b>Number</b>	<b>Organization</b>
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 (DSPA), 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 DSPA **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 DSPA 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. DSPA 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, DSPA 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 DSPA rather than like DATCP due to expected budget cuts should consolidation occur. Please note that DATCP has already been greatly -- and disproportionately -- 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 DSPA as a self-standing agency is important from a government efficiency standpoint, we are not opposed to that outcome. We realize that in DSPA'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 17<sup>th</sup> 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) 747-8989  
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, 10<sup>th</sup> 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 DSPTS 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 (DSPTS):

- (1) Move the Veterinary Examining Board (VEB) from DSPTS 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 DSPTS 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 DSPTS 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

### **Bureau Of Technical Services**

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Knight Hawk Investigations  
khi@tacticalsurveillance.com

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.

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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

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# 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.

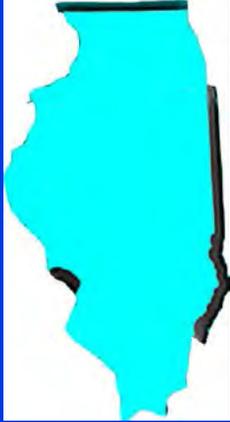
Fingerprints from vendor licensed by Illinois for background

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.

Licensure 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 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 borders.

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 divulging 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.

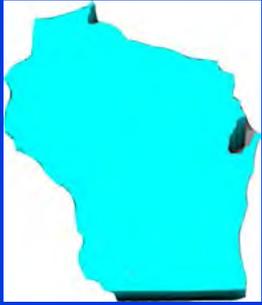
Application forms



# 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

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**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Ashley Horton  Department Monitor Division of Legal Services and Compliance		<b>2) Date When Request Submitted:</b>  December 20, 2013  Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
<b>3) Name of Board, Committee, Council, Sections:</b>			
<b>4) Meeting Date:</b>	<b>5) Attachments:</b>  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  Appointment of Professional Assistance Procedure (PAP) Liaison	
<b>7) Place Item in:</b>  <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>  Appointment of 2014 PAP Liaison - see <i>Wis. Admin. Code SPS ch. 7, attached, for Liaison duties</i>			
<b>11)</b> 		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	
<b>Directions for including supporting documents:</b> 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.			

## Chapter SPS 7

### PROFESSIONAL ASSISTANCE PROCEDURE

<p>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.</p>	<p>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.</p>
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**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), 15.30, 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. 2-1-01; 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.

(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 pre-printed 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.

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**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  Ashley Horton  Department Monitor Division of Legal Services and Compliance		2) Date When Request Submitted:  December 20, 2013  Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections:			
4) Meeting Date:	5) Attachments:  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  Monitoring: Appointment of Monitoring Liaison and Delegated Authority Motion	
7) Place Item in:  <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  1. Appointment of 2014 Monitoring Liaison  2. Delegated Authority Motion:  <i>“ _____ 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.”</i>			
11) <span style="float: right;">Authorization</span>  <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">             Signature of person making this request         </div> <div style="text-align: center;">           December 20, 2013            Date         </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">           Supervisor (if required)         </div> <div style="text-align: center;">           Date         </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">           Executive Director signature (indicates approval to add post agenda deadline item to agenda)         </div> <div style="text-align: center;">           Date         </div> </div>			
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.			

## **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.)



**To:** Lori Dominiczak [REDACTED]  
**Cc:** Mary Keehn [REDACTED]  
**Sent:** Thursday, November 14, 2013 9:25 AM  
**Subject:** RE: Updated Information on Supervised Clinical Practice

Hello Lori,

Thank you for your interest and questions in SCP for FEPTs. The Foreign Educated Standards committee has been working on this topic for a number of years now, as you know. The last two years have been very busy and productive: in 2012 the SCP model was completed and in 2013, the Performance Evaluation Tool (PET) was completed. I have attached both of those items for you and also included the instructions for use/scoring of the PET. Virginia is currently using the PET as their evaluative tool and North Dakota is discussing replacing their current tool with the FSBPT when new rules are approved and published.

As for how states structure their SCP, I have an enormous spreadsheet that I attached that has that information. Please let me know if you need anything else.

Thanks so much,

Leslie

Leslie Adrian, PT, DPT, MS, MPA  
Director of Professional Standards  
Federation of State Boards of Physical Therapy

[REDACTED]

[www.fsbpt.org](http://www.fsbpt.org)

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Thursday, November 14, 2013 9:58 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Updated Information on Supervised Clinical Practice

Hello - I am a PT member of the Wisconsin PTEB and charged with gathering the most recent updates regarding SCP for foreign-educated therapists. Could you please provide the latest information on this topic? I have information from the work of the 2011 and 2012 task force from their newsletter reports but nothing else. Is the evaluation tool completed? If so, where can that be found? I am also interested in

more detail about how states are structuring the SCP's. Thanks for your help - Lori

Lori Dominiczak, PT, MS

[Redacted]

[Redacted]

[Redacted]

## **Supervised Clinic Practice A Generic Model**

### **Statement of Purpose**

The purpose of supervised clinical practice (SCP) for a foreign educated physical therapist (FEPT) is to promote public protection by evaluating the FEPT's ability to practice competently within the United States' healthcare system.

### **Authority**

Statutory Authority will be needed in order to require completion of a supervised clinical practice from the foreign educated Physical Therapist. Example of statutory language from the 5<sup>th</sup> edition of the FSBPT Model Practice Act is below. Rules language can be used to further define the parameters of the supervised clinical practice. Language either in statute or regulation needs to allow for the Board to waive or exempt any, or all, of the requirements for the supervised clinical practice.

### **3.02 Qualifications for Licensure [and Certification]**

- B. An applicant for a license as a physical therapist who has been educated outside of the United States shall:
1. Complete the application process including payment of fees.
  2. Provide satisfactory evidence that the applicant's education is substantially equivalent to the education of physical therapists educated in an accredited entry-level program as determined by the board. Graduation outside the United States from a professional education program accredited by the same accrediting agency that the board approves for programs within the United States constitutes evidence of substantial equivalency. In all other instances, "substantially equivalent" means that an applicant for licensure educated outside of the United States shall have:
    - a. Graduated from a physical therapist education program that prepares the applicant to engage without restriction in the practice of physical therapy;
    - b. Provided written proof that the applicant's school of physical therapy is recognized by its own ministry of education;
    - c. Undergone a credentials evaluation as directed by the board that determines that the candidate has met uniform criteria for educational requirements as further established by rule; and
    - d. Completed any additional education as required by the board.
  3. Pass a board-approved English proficiency examination if the applicant's native language is not English.
  4. Pass an examination approved by the board.

5. Complete supervised clinical practice as defined by rules with a restricted license
6. Meet the requirements established by board rule if applicable.

### **Prerequisites**

To improve the likelihood of a successful supervised clinical practice, the Board may consider requiring any, or all, of the following PRIOR to the SCP:

- Complete the application process including payment of fees.
- Provide satisfactory evidence that the applicant's education is substantially equivalent to the education of physical therapists educated in an accredited entry-level program as determined by the board. If required, the educational credentials evaluation must be completed and submitted to the Board prior to the SCP.
- Complete any additional education as required by the board.
- Pass a board-approved English proficiency examination if the applicant's native language is not English.
- Meet any other requirements established by board rule if applicable.
- The Board provides for a temporary permit, provisional or restricted license for the purpose of participating in a supervised clinical practice.

In the commentary of the 5<sup>th</sup> edition of the FSBPT Model Practice Act, there are three exceptions noted for use of a restricted license other than for disciplinary actions: 1) with a voluntary substance abuse program, and 2) with a professional re-entry after a lapse of a license for two or more renewal periods, and 3) supervised clinical practice for foreign educated applicants.

### **Parameters of the Supervised Clinical Practice**

#### ***Length***

Minimum requirement 1000 clinical hours to be completed in no fewer than six months and no longer than one year

#### ***Number of Attempts***

Limited to a total of two per applicant

#### ***Qualified supervisor***

The clinical supervisor and a backup supervisor should be approved by the Board. In approving a supervisor the Board should consider the following qualifications:

- the supervisor should have a minimum of 3 years of clinical experience.
- the supervisor holds an unrestricted license.
- The supervisor's relationship to the candidate

- the supervisor should have direct patient care responsibilities in their current role
- the supervisor should have previous experience as a clinical instructor

### ***Supervision***

The level of supervision during the SCP should be onsite supervision as defined in the FSBPT Model Practice Act:

“Onsite supervision” means supervision provided by a physical therapist who is continuously onsite and present in the department or facility where services are provided. The supervising therapist is immediately available to the person being supervised and maintains continued involvement in the necessary aspects of patient care.

### ***Facility***

The facility should be approved by the Board. When approving a qualified facility, the Board should consider the following:

- the depth and breadth of clinical experience provided by the facility
- the facility’s levels of staffing
- the patient volume
- the variety of patient diagnoses
- the opportunity to interact with other health care providers in the facility
- location of the facility; different scope of practice in different state, unique practice act

### ***Disclosure***

The Board should consider potential conflicts of interest between the facility and the applicant. Any disclosures related to conflict of interest should be included as part of the application for SCP submitted to the jurisdictional board. SCP candidates, supervisors, and/or facilities must disclose any known potential for conflict of interest or appearance of conflict. Material gain resulting from candidate’s successful completion of the SCP should be furnished to the Board prior to the approval of the SCP.

The facilities disclosure statement should include the following:

- the facilities intent to hire the applicant upon completion of SCP
- stipend or salary to the applicant
- relationship to the supervisor

### ***Performance Evaluation***

The Board should establish guidelines for completing the performance evaluation.

- Suggested timelines would be:
  - midterm to be completed after 500 clinical hours and submitted to the Board within 3 days (72 hours)

- final review completed after 1000 clinical hours and submitted to the Board within 3days (72 hours)
- If available, the Board should utilize an evaluation tool that has been determined to be valid and reliable for evaluating clinical performance of foreign educated physical therapists.

### **Final Outcome**

1. Successful completion of the Supervised Clinical Practice  
FEPT would be eligible to sit for licensure.
2. Unsuccessful completion of initial SCP:  
*The Board should consider developing options for unsuccessful applicants which may include:*
  - extending the SCP in the same facility up to double the initial time
  - complete a second SCP in a new facility
  - denial of application for second SCP with opportunity for due process

### **Exemptions**

The Board may waive all or a portion of the SCP at the discretion of the Board. The Board may want to consider:

- the applicant's previous licensed clinical practice in the U.S. Health Care System in making the decision regarding SCP
- the applicant's performance on the mid-term evaluation



FSBPT

# Performance Evaluation Tool

*For Foreign Educated Therapists Completing a Supervised Clinical Practice in the United States*

The information contained in this document is proprietary and not to be shared elsewhere.

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## Performance Evaluation Tool for Supervised Clinical Practice

### Purpose

The purpose of supervised clinical practice (SCP) for a foreign educated physical therapist (FEPT) is to promote public protection by evaluating the FEPT's ability to practice competently within the United States healthcare system. Completion of a supervised clinical practice under the direction of a US licensed physical therapist will better prepare the FEPT for successful entry into the US workforce, promote clinical competence and the delivery of safe and effective care, assist in addressing cultural competence, and ensure a necessary level of public protection. Further, because English language proficiency is critical to providing physical therapy services in the US, verification of the ability to communicate in English is necessary for successful clinical practice.

Because successfully completing a SCP is a high stakes endeavor it is essential that a valid evaluation tool is available for jurisdictions. The Federation of State Boards of Physical Therapy (FSBPT) developed the Performance Evaluation Tool (PET) for Supervised Clinical Practice to specifically evaluate the clinical competency of the FEPT. Additionally, the PET provides feedback to the FEPT on areas where competence has and has not been established. Because SCP is often the last requirement prior to full, unrestricted physical therapy licensure, jurisdictions need a valid tool to evaluate minimally acceptable competence in the clinic as one step in the licensure process.

The PET scoring has been determined based on a rigorous standard setting process completed by subject matter experts. The PET was based on a number of accepted resources within the physical therapy profession including the Guide to Physical Therapist Practice, the American Physical Therapy Association's Code of Ethics and Clinical Performance Instrument, the FSBPT's Standards of Competence, Analysis of Practice, and Activities Performed by Entry-Level PTs. Additionally, the PET was vetted through large stakeholder surveys. The FSBPT SCP PET is valid, defensible, and can be consistently applied by supervisors and licensing jurisdictions.

**Supervisors should follow the scoring instruction exactly in order to maintain the validity and reliability of the tool.**

### Reporting to the Licensing Board

At minimum, the supervisor will communicate the results of the Performance Evaluation Tool at mid-point and at the end of the supervised clinical practice to that jurisdiction's licensing authority for physical therapists. The supervisor should also communicate with the Board immediately if the supervised clinical practice is discontinued early, especially in cases where there are concerns regarding the safety of the consumer. Supervisors or PT Trainees are highly encouraged to contact the licensing board if Essential Criteria are unable to be observed for any reason in that clinical environment. The ultimate decision to license the PT Trainee or not is solely that of the jurisdiction's licensing authority for physical therapists.

## **Evaluating the PT Trainee**

The tool should be shared in its entirety with the PT trainee prior to beginning the supervisory experience. It is important to review the tool to allow both parties have the same expectations of the criteria to be deemed competent at the end of the clinical experience. If the supervisor feels that the behavior will be unable to be observed during the clinical experience, other arrangements should be made (alternate clinical site) to allow for observance of the specific Essential Criterion.

At minimum, the PT trainee should be evaluated by the supervisor using the tool twice during the clinical experience- at the midpoint and at the end. The results of the evaluation should be sent to the State Board of Physical Therapy as directed by the specific jurisdiction.

### **Minimal Competence**

Supervisors should keep in mind that the standard they should apply in determining competence required for licensure as a physical therapist is the ability to provide safe and effective care at the minimally acceptable level. Therefore the supervisor is judging whether the PT Trainee demonstrates the knowledge and concepts, skills and abilities, and attitudes, necessary for the provision of *safe and effective* patient care at the minimally competent level.

Provision of minimally competent patient care includes consideration of current best evidence from clinically relevant research regarding the safety and efficacy of therapeutic, rehabilitative, and preventive physical therapy services. This tool is designed to assess whether some can practice *safely and effectively at a minimally acceptable level of competence*.

When the PT Trainee is deemed competent in a behavior, category or overall on the PET, that is equivalent to a “yes” or “pass.” Incompetence is equivalent to a “no” or “fail.” These terms will be used interchangeably.

### **Language Skills**

When evaluating the language skills and the ability to communicate in both written and oral English, the supervisor must evaluate the PT trainee’s ability to be understood and ensure the patients’ (and colleagues’) understanding. The ability to communicate effectively with minimal limitations should be paramount and that ability is what is being evaluated. A PT trainee should only be failed in the essential criteria regarding English communication when the language skills of the PT Trainee are a **barrier** to effective communication with others; or in other words, the trainee is ineffective in the use of language to the point where the PT Trainee cannot communicate appropriately with the patient and/or other caregivers.

### **Comment Boxes**

At the end of the PET, there are comment boxes for each Category for both the Supervisor and Trainee. Both are encouraged to use the comment boxes to communicate about performance in each category.

## Scoring Rules

A general overview of the ground rules for scoring of the tool includes these main points:

1. The PT trainee *must* demonstrate evidence in all Categories to demonstrate competence. The trainee cannot pass a Category if there have been no observable behaviors in the Category.
2. The PT trainee *must* demonstrate and be deemed “overall” competent in every Category to pass the PET and the supervised clinical practice (SCP).
3. All the Essential Criteria in every Category must be observed.
4. All the Essential Criteria from every category must be a “yes” to pass the SCP.
5. The requirements for the Evaluative Criteria in each Category vary. The passing standard for each category are below.

### Evaluative Criteria Passing Scale

Category	Minimum Number of Yes Required to Pass	Maximum Number of No Allowed to Pass
PROFESSIONAL BEHAVIORS	3	2
COMMUNICATION AND DOCUMENTATION	2	1
EXAMINATION	10	3
EVALUATION, DIAGNOSIS AND PLAN OF CARE	3	2
INTERVENTION	2	2
UNITED STATES HEALTHCARE SYSTEM	5	2

### Category

- Six Categories focused on areas of clinical practice that were specifically selected to address the challenges Foreign Educated PTs often face entering practice in the US
  1. Professional Behaviors
  2. Communication & Documentation
  3. Examination
  4. Evaluation, Diagnosis, and Plan of Care
  5. Intervention
  6. United States Healthcare System
- All categories must be observed by the supervisor
- The PT Trainee must demonstrate minimal competence in each category
- Competence in each category means that *all* essential criteria in that category have received a “yes” *and* that the score of the evaluative criteria has met the passing standard
- The supervisor will document that a PT Trainee has passed the category (been deemed competent) by circling the “Yes” in either the midpoint or final box on the PET.
- The supervisor will document that a PT Trainee has failed the category (been deemed incompetent) by circling the “No” in either the midpoint or final box on the PET.

### Essential Criteria

Essential Criteria are those behavior elements that are common to every treatment setting. As these are the behaviors that are absolutely necessary to safe and effective care, every Essential Criterion **must be observed**. The PT Trainee **must be deemed competent** by the supervisor in every Essential Criterion in every Category at the end of the SCP in order to pass the SCP. If at any time the Essential Criteria are observed as a “no-not competent,” *and* the safety of the trainee, patient, supervisor, or colleagues is threatened, the clinical may be immediately ended by the supervisor.

The supervisor is evaluating the criterion behavior in bold type. Underneath the bold type are anchors behaviors, or guides, for the supervisor to use during the evaluation process of the Essential Criteria. The list of anchor behaviors for each criterion is not an exhaustive list, and should not be considered as such. Additionally, not all behaviors listed for each criterion need to be observed in order to pass the criterion, they are examples meant to serve as a guide. The supervisor should place a Yes (Observed and Competent) or No (Observed and Not Competent) in the box in either the midpoint or final box on the PET; these are the only two acceptable answers. **Boxes left blank should be considered not observed and would then be a No. Any “No” answer for essential criteria at the final is an automatic failure of the entire Supervised Clinical Practice.** If the supervisor feels that the behavior will be unable to be observed during the clinical experience, other arrangements should be met (alternate clinical site) to allow for observance of the specific Essential Criterion.

## Evaluative Criteria

Evaluative Criteria are those behavior elements that are not common to every treatment setting and may or may not be observed during the SCP. Not all of the evaluative criteria may be observed; this allows for the variation in clinical settings. All of the Evaluative Criteria are equally weighted. The supervisor should place one of 3 scoring options in the box of the PET:

- a. **Y**: yes competent because observed,
- b. **N**: not competent because observed,
- c. **N/O**: not observed.

The supervisor is evaluating the criterion behavior in bold type. Underneath the bold type are anchor behaviors, or guides, for the supervisor to use during the evaluation process of the Evaluative Criteria. The list of anchor behaviors for each criterion is not an exhaustive list, and should not be considered as such. Additionally, not all behaviors listed for each criterion need to be observed in order to pass the criterion, they are examples meant to serve as a guide. Unlike the Essential Criteria, not all of the Evaluative Criteria need to be assessed as a “Y” in order to pass the overall category and clinical experience. The supervisor must use the rules below to determine whether or not the PT Trainee will be deemed competent in each Evaluative Criteria section. The minimum number of “Y” required for the passing standard must be obtained to pass the overall Evaluative Criteria section (see **Evaluative Criteria Passing Scale**). There is also a maximum number of “N” ratings that is acceptable to still pass the overall Evaluative Criteria section (see **Evaluative Criteria Passing Scale**).

- A person could have the minimum number of “Y” ratings and the remainder N/O and the trainee would pass the Evaluative Criteria section.

<b>Evaluative Criteria Passing Scale</b>	Minimum Number of Yes Required to Pass	Maximum Number of No Allowed to Pass
PROFESSIONAL BEHAVIORS	3	2
COMMUNICATION AND DOCUMENTATION	2	1
EXAMINATION	10	3
EVALUATION, DIAGNOSIS AND PLAN OF CARE	3	2
INTERVENTION	2	2
UNITED STATES HEALTHCARE SYSTEM	5	2

- A person could have the maximum number of “N” ratings and the remainder N/O and the trainee would NOT pass; the “yes” ratings are required. For example, a PT trainee receives a Yes for 3, and a No for 2 of the Evaluative Criteria under the Professional Behaviors

Category, this scoring meets the rule and the Trainee would pass *that section*. Alternately, if the Trainee had received 3 “Y” ratings and 3 “N” ratings in the Evaluative Criteria section, the number of “N” ratings would surpass the maximum number allowed and the Trainee would fail the Evaluative Criteria section and in turn, the overall Category of Professional Behaviors even if the trainee passed all of the Essential Criteria.

## Minimizing Rating Bias and Errors

The single most important thing that a supervisor can do to minimize rating errors is to be trained in the use of the specific tool they are using to evaluate the PT Trainee. Supervisors that do not understand the Performance Evaluation Tool will be much more likely to commit errors. Comparing behaviors observed during the clinical practice with those behaviors that are used to anchor each Essential and Evaluative Criterion can also help minimize errors. Please take the time necessary to review this document in full and understand the scoring rules.

Supervisors also referred to as raters, should be cautious to be aware of their own thinking during the evaluative process. A particularly good day or bad day may influence your judgment of the PT Trainee's performance for the positive or negative. The supervisor should, as best practice, take a few minutes to prepare for the PT Trainee's evaluation by clearing their mind of other distractions and reflect on the performance of the Trainee. The rater may try to recall examples of the Trainee's skills and behaviors and refer to any notes that have been taken. It is also very important for the supervisor to be aware of potential bias including stereotyping brought to the supervisory experience. A supervisor should consciously try to avoid considering non-performance related factors when rating the PT Trainee's performance. If the supervisor/Trainee are of similar background, age, or have common interests there may be an unconscious bias of "being similar to me." The reverse can also be true and the Trainee be put at a disadvantage if the Supervisors bias is "different from me." Either of these biases can influence a rater's decisions and impressions. Stereotyping an individual may lead the supervisor to seek out confirmation of characteristics of the stereotype rather than rating the individual's performance. The Supervisor/rater must try to remember to measure the candidate against the behavior criteria and not personal similarities/differences. Similarly, if the rater likes the Trainee and wants to see them succeed, the supervisor may be more likely to err on the side of leniency rather than holding the Trainee to the standard of minimal competence.

The PET was designed so that each category is of equal importance; stakeholder input from many groups confirmed the importance of this concept. The rater must be alert to any personal tendency to value any one category over the other. If the Trainee performs better/worse in the categories valued/devalued by the supervisor it may impact the entire evaluation. (The rater overvalues a category in which the Trainee does well may create a situation where the supervisor "over-rates" the total performance of the Trainee. The reverse could also be true with undervalued categories and undervaluing the total performance.) The rater should also be cautious against making an overall decision of competence too early in the evaluation. As the categories of the PET are independent, a superior performance by the PT Trainee in the category of Professional Behaviors does not indicate that he or she will perform as well in the Evaluation, Diagnosis, and Plan of Care Category. If a supervisor has made a decision regarding the Trainee's competence too early in the process, it may be hard to evaluate the later categories and behaviors objectively. There are additional sources of rater error that should be considered.

[Appendix A](#) and the following hyperlinks include more detailed description of rater error:

<http://www.opm.gov/policy-data-oversight/assessment-and-selection/structured-interviews/guide.pdf> (page 28)

## Scoring Examples:

1. Trainee scores a Yes on every Essential Criteria in every Category. The trainee scores the minimum number of Yes on the Evaluative Criteria in every Category. The trainee gets a Yes in every category and passes the PET and the Supervised Clinical Practice.
2. Trainee scores a Yes on every Essential Criteria in every Category. The trainee scores the maximum number of No and one Yes on the Evaluative Criteria in every Category. The minimum number of Yes responses was not met and the trainee gets a No in every category and fails the PET and the Supervised Clinical Practice.
3. Trainee scores a Yes on every Essential Criteria in every Category EXCEPT for one. The trainee scores the minimum number of Yes on the Evaluative Criteria in every Category. The trainee passes all Categories EXCEPT the one with the No in an Essential Criteria. The Trainee fails the PET and Supervised Clinical Practice; ALL Essential Criteria MUST be Yes.

4. Trainee scores as follows:

Category	Essential Criteria	Evaluative Criteria YES	Evaluative Criteria NO	Explanation
PROFESSIONAL BEHAVIORS	ALL Yes	3	2	Essential Criteria met. Evaluative criteria passing standard met.
COMMUNICATION AND DOCUMENTATION	ALL Yes	2	1	Essential Criteria met. Evaluative criteria passing standard met.
EXAMINATION	ALL Yes	10	3	Essential Criteria met. Evaluative criteria passing standard met.
EVALUATION, DIAGNOSIS AND PLAN OF CARE	ALL Yes	3	2	Essential Criteria met. Evaluative criteria passing standard met.
INTERVENTION	ALL Yes	2	2	Essential Criteria met. Evaluative criteria passing standard met.
UNITED STATES HEALTHCARE SYSTEM	ALL Yes	5	2	Essential Criteria met. Evaluative criteria passing standard met.

Overall Trainee Rating: All categories passed. PET passed. SCP passed.

5. Trainee scores as follows:

Category	Essential Criteria	Evaluative Criteria YES	Evaluative Criteria NO	Explanation
PROFESSIONAL BEHAVIORS	ALL Yes	3	2	Essential Criteria met. Evaluative criteria passing standard met.
COMMUNICATION AND DOCUMENTATION	ALL Yes	3	0	Essential Criteria met. Evaluative criteria passing standard met. Has more than the minimum Yes required and has less than maximum No allowed.
EXAMINATION	ALL Yes	8	3	Essential Criteria met. Evaluative criteria passing standard NOT met. Does not have minimum Yes. Category NOT passed.
EVALUATION, DIAGNOSIS AND PLAN OF CARE	ALL Yes	2	2	Essential Criteria met. Evaluative criteria passing standard NOT met. Does not have minimum Yes. Category NOT passed.
INTERVENTION	ALL Yes	2	1	Essential Criteria met. Evaluative criteria passing standard met. Has minimum Yes and less than maximum No.
UNITED STATES HEALTHCARE SYSTEM	ALL Yes	5	2	Essential Criteria met. Evaluative criteria passing standard met.

Overall Trainee Rating: 4 of 6 categories passed. PET NOT passed. SCP NOT passed.

## Appendix A

<b>Common Rating Errors</b>	
Central Tendency	Supervisor's tendency to rate everyone around the middle performance level. Fear of rating too high or too low.
Leniency/Severity	Tendency to rate higher or lower than what the performance warrants because of the supervisor's issues such as confrontation avoidance or comparing to unrealistic expectations.
Contrast Error	Comparing the PT Trainee to other PTs or students rather than judging them on the performance factors.
False Attribution	Attribute bad performance to internal causes and good performance to external causes.
Perceived Meaning	In a situation with multiple raters, the raters disagree on the meaning of the rating criteria.
Recency Error	Rater uses only behaviors or observations of recent events in the rating process rather than looking at behavior over the entire rating period.
Halo/Horn	Then tendency of a rater to let one positive or negative behavior/observation influence the remainder of the evaluation.
Spillover	The rater allows the ratings from the midpoint evaluation to influence the ratings for the final evaluation even though the performance is substantially different.
Grudge Holding	Over-valuing of a prior negative behavior by the PT Trainee and allowing it to influence current ratings.

**PERFORMANCE EVALUATION TOOL *for* SUPERVISED CLINICAL PRACTICE  
FOREIGN EDUCATED PHYSICAL THERAPISTS**

Category: <b>PROFESSIONAL BEHAVIORS</b>	<b>MIDPOINT</b> Competent: Yes No	<b>FINAL</b> Competent: Yes No
<b>Essential Criteria:</b>	<b>Observed &amp; competent:</b>	<b>Observed &amp; competent:</b>
<b>Practices in a manner that is safe for the patient</b> <i>Responds appropriately in emergency situations</i> <i>Recognizes and responds to unexpected changes in patient's physiological condition</i> <i>Utilizes Universal Precautions and Infection Control measures</i> <i>Prepares and maintains a safe physical environment</i> <i>Checks equipment prior to use</i>		
<b>Practices in a manner that is safe for self</b> <i>Prepares and maintains a safe physical environment</i> <i>Asks for physical assistance when needed</i> <i>Utilizes universal precautions and infection control measures</i> <i>Anticipates potentially unsafe situations and takes preventative measures</i> <i>Utilizes proper body mechanics</i>		
<b>Adheres to the recognized standards of ethics of the physical therapy profession</b> <i>Recognizes and reports violation of ethical practice to appropriate authority</i> <i>Provides accurate and truthful information and does not makes statements that are fraudulent or misleading</i> <i>Refrains from documenting fraudulent or misleading information</i>		
<b>Maintains professional boundaries between self and patients</b> <i>Demonstrates knowledge that patient/provider relationship is professional only and is not social or emotional in nature</i> <i>Demonstrates knowledge that relationships with patients excludes a friendship, sexual or business relationship</i>		
<b>Evaluative Criteria:</b>	Competent: Y, N, or N/O	Competent: Y, N, or N/O
<b>Displays a positive and professional attitude</b> <i>Willingly accepts responsibility for actions and outcomes</i> <i>Demonstrates initiative and responds to requests in helpful and prompt manner</i> <i>Follows through on tasks</i> <i>Actively seeks out learning opportunities</i>		
<b>Solicits input on performance from supervisors and others to identify strengths and weaknesses</b> <i>Collaborates with supervisor to address areas of weakness</i> <i>Initiates improvement plan for areas of weakness</i> <i>Admits mistakes and takes immediate action to correct the problem</i> <i>Changes practice behaviors in response to feedback from others</i> <i>Accepts constructive feedback</i>		
<b>Demonstrates sensitivity to individual and cultural differences when engaged in physical therapy practice</b> <i>Demonstrates respect for the cultural, socioeconomic, spiritual and ethnic diversity of patients and co-workers</i> <i>Adjusts to personality differences of colleagues, staff and patients</i>		
<b>Maintains professional demeanor and appearance</b> <i>Dresses appropriately and follows organizational dress code</i> <i>Interacts with all members of the health care team in a professional manner</i> <i>Practices personal hygiene in accordance with professional standards</i>		
<b>Establishes communication and interacts respectfully with colleagues, patients, and staff</b> <i>Demonstrates appropriate use of eye contact</i> <i>Demonstrates appropriate use of body language</i> <i>Demonstrates respect for personal space</i>		
<b>Manages conflict with colleagues, staff and patients</b> <i>Negotiates resolution to conflict</i> <i>Advocates for patient as appropriate</i>		

Category: COMMUNICATION AND DOCUMENTATION	MIDPOINT Competent: Yes No	FINAL Competent: Yes No
<b>Essential Criteria:</b>	<b>Observed &amp; competent:</b>	<b>Observed &amp; competent:</b>
<b>Demonstrates English language proficiency in speaking</b> <i>Demonstrates effective use of grammar and vocabulary</i> <i>Demonstrates good use of basic and complex grammatical structure</i> <i>Demonstrates proper use and knowledge of medical terminology</i> <i>Demonstration correct stress and rhythm and intonation of speech</i> <i>English pronunciation is clear to the listener</i>		
<b>Demonstrates English language proficiency in reading</b> <i>Understands what is reported in written form and is able respond appropriately</i> <i>Extracts relevant information from the medical record</i> <i>Accurately interprets professional literature</i>		
<b>Demonstrates English language proficiency in writing</b> <i>Writes English in complete sentences</i> <i>Understands and correctly interprets what is written by others</i> <i>Written communication skills permit patients, families and caregivers to understand what was written</i> <i>Written communication skills permit co-workers and other health care professionals to understand what was written</i> <i>Demonstrates proper use and knowledge of medical terminology</i> <i>Handwritten communication is legible</i>		
<b>Demonstrate English language proficiency in listening</b> <i>Asks clarifying questions to ensure understanding</i>		
<b>Maintains a record of all clinical care provided</b> <i>Meets federal, state and facility requirements for documentation</i> <i>Meets federal, state and facility requirements for storage and retention of records</i> <i>Supports the need for skilled physical therapy services through documentation</i>		
<b>Evaluative Criteria:</b>	Competent: Y, N, or N/O	Competent: Y, N, or N/O
<b>Documentation establishes a link between identified problems and intervention provided</b> <i>Supports the use of chosen interventions with objective findings</i> <i>Reflects medical necessity of physical therapy services</i>		
<b>Documentation provides sufficient information to allow for another therapist to assume care of the patient</b> <i>Documentation is complete, legible and accurate</i> <i>Clearly describes diagnosis and rationale for treatment and interventions</i>		
<b>Documents communication with healthcare providers family and caregivers</b> <i>Documents contacts, conversations, phone calls with and emails from healthcare providers, family and caregivers</i>		

Category: EXAMINATION	MIDPOINT Competent: Yes No	FINAL Competent: Yes No
<b>Essential Criteria:</b>	<b>Observed &amp; competent:</b>	<b>Observed &amp; competent:</b>
<b>Completes full and accurate patient interview/history</b> <i>Interviews patient and/or appropriate care givers</i> <i>Establishes chief complaint and reason for referral to physical therapy</i> <i>Establishes prior and current level of function</i> <i>Differentiates relevant from irrelevant information provided in the subjective report</i> <i>Gathers operative reports, physician notes or other medical test results to optimize clinical decision making</i>		
<b>Reviews and identifies the implications of current medications</b> <i>Considers the physiologic effects of current medications and PT treatment implications</i> <i>Identifies purpose and rehabilitation implications of medication</i>		
<b>Appropriately selects tests and measurements related to the chief complaint</b> <i>Seeks referral for additional tests when indicated</i> <i>Selects special tests and measurements to establish a diagnosis</i>		
<b>Evaluative Criteria:</b>	Competent: Y, N, or N/O	Competent: Y, N, or N/O
<b>Reviews and interprets medical records</b> <i>Interprets diagnostic and laboratory test results.</i> <i>Integrates information from specialty reports or consultations into clinical decision making</i>		
<b>Performs tests &amp; measures: anthropomorphic</b> <i>Measures body dimensions such as height, weight, girth, and segment length</i> <i>Assesses atrophy</i> <i>Assesses edema</i>		
<b>Performs tests &amp; measures: arousal, attention, &amp; cognition</b> <i>Assesses ability to process commands</i> <i>Assesses expressive and receptive skills</i> <i>Assesses orientation to time, person, place, and situation</i> <i>Assesses memory and retention</i>		
<b>Performs tests &amp; measures: assistive &amp; adaptive devices</b> <i>Assesses need for assistive or adaptive devices and equipment</i> <i>Assesses fit, function and safety of assistive or adaptive devices and equipment</i>		
<b>Performs tests &amp; measures: nerve integrity</b> <i>Selects and performs tests of neural provocation</i> <i>Assesses cranial nerve function in response to stimuli – including the vestibular system</i> <i>Assesses proprioception, pain, light and discriminative touch, and temperature perception</i> <i>Assesses the integrity of deep tendon reflexes</i>		
<b>Performs tests &amp; measures: environmental &amp; community integration/reintegration</b> <i>Assesses activities of daily living, transfers and functional mobility\</i> <i>Assesses community barriers and integration</i>		
<b>Performs tests &amp; measures: ergonomics, body mechanics, &amp; posture</b> <i>Selects and performs tests of specific work conditions or activities</i> <i>Assesses body mechanics during activity</i> <i>Assesses postural alignment and position (static and dynamic)</i>		
<b>Performs tests &amp; measures: gait, locomotion &amp; balance</b> <i>Assesses gait, locomotion and balance during functional activities</i> <i>Assesses balance and equilibrium</i>		
<b>Performs tests &amp; measures: integumentary integrity</b> <i>Assesses skin characteristics</i> <i>Assesses wound characteristics</i> <i>Assesses scar tissue characteristics</i>		
<b>Performs Tests &amp; Measures: Joint Integrity &amp; Range of Motion</b> <i>Selects and performs tests of joint stability, joint mobility, range of motion and flexibility</i>		

<p><b>Performs tests &amp; measures: motor function</b>  <i>Assess muscle tone, tone, coordination, movement patterns and postural control</i></p>		
<p><b>Performs tests &amp; measures: muscle performance</b>  <i>Selects and performs tests of muscle strength, power, and endurance (e.g., manual muscle test, isokinetic testing, dynamic testing)</i>  <i>Selects and performs tests of muscle length</i></p>		
<p><b>Performs tests &amp; measures: aerobic capacity</b>  <i>Assesses vital signs such as heart rate, blood pressure and respiratory rate</i>  <i>Assesses aerobic endurance/capacity during functional activities and standardized tests</i>  <i>Assesses cardiovascular response to changes in workload</i>  <i>Assesses pulmonary response to changes in workload</i></p>		
<p><b>Performs tests &amp; measures: neuromotor development &amp; sensory integration</b>  <i>Assesses acquisition and evolution of motor skills</i>  <i>Selects and performs tests of sensory-motor integration</i>  <i>Selects and performs tests of developmental reflexes and reactions</i></p>		
<p><b>Performs tests &amp; measures: orthotic, protective, assistive, &amp; prosthetic devices</b>  <i>Assesses the need for devices</i>  <i>Assesses the alignment, fit and effectiveness of devices</i></p>		
<p><b>Performs tests &amp; measures: pain</b>  <i>Assesses pain location, intensity and characteristics</i></p>		
<p><b>Performs tests &amp; measures: functional scales</b>  <i>Appropriately selects and interprets standardized functional assessment instruments</i></p>		

Category: EVALUATION, DIAGNOSIS AND PLAN OF CARE	MIDPOINT Competent: Yes No	FINAL Competent: Yes No
<b>Essential Criteria:</b>	<b>Observed &amp; competent:</b>	<b>Observed &amp; Competent:</b>
<b>Evaluation and assessment: performs and documents the clinical assessment of the patient</b> <i>Appropriately interprets data collected in history, systems review and tests &amp; measures</i>		
<b>Establishes a diagnosis for each patient</b> <i>Utilizes the diagnostic process to organize and interpret data from the examination</i> <i>Considers differential diagnoses</i> <i>Assigns a diagnosis based on the evaluation</i>		
<b>Plan of care: selects and documents interventions to address abnormalities of body structure and function and activity and participation limitations</b> <i>Justifies selected interventions</i>		
<b>Evaluative Criteria:</b>	Competent: Y, N, or N/O	Competent: Y, N, or N/O
<b>Demonstrates sound clinical decision making</b> <i>Provides evidence based rationale for selected examination techniques and treatment interventions</i> <i>Locates, appraises and assimilates evidence from scientific studies and relevant resources</i> <i>Requests consultation and makes referral as indicated</i> <i>Seeks help when knowledge boundaries are reached and prior to continuation of care</i> <i>Identifies and considers differential diagnoses</i>		
<b>Plan of care: develops and documents goals based on abnormalities of body structure and function and activity and participation limitations identified</b> <i>Solicits patient input in the development of goals</i> <i>Writes goals that are measurable and functional</i> <i>Establishes a prognosis for each patient and considers prognosis in determining expected physical therapy outcomes</i> <i>Writes goals that are relevant to the patient's stated needs and goals</i>		
<b>Plan of care: determines amount, frequency and duration of intervention</b> <i>Considers diagnosis, patient payment, third party payer regulations and patient's ability to participate when determining treatment schedule</i>		
<b>Performs reevaluations at appropriate intervals</b> <i>Performs re-examination based on patient status</i> <i>Identifies barriers affecting patient progress</i> <i>Documents progress to date, justifies continuation of services, writes new goals and updates the plan of care as needed</i>		
<b>Discharges or discontinues the patient from physical therapy services</b> <i>Determines when patient is no longer benefiting from physical therapy services</i> <i>Anticipates discharge or discontinuation of services and takes appropriate and timely action</i> <i>Provides follow-up or referral as appropriate</i> <i>Documents summary of care, final patient status and reason for discharge or discontinuation of services</i>		

Category: INTERVENTION	MIDPOINT Competent: Yes No	FINAL Competent: Yes No
<b>Essential Criteria:</b>	<b>Observed &amp; competent:</b>	<b>Observed &amp; competent:</b>
<b>Intervention: patient education</b> <i>Effectively communicates evaluation findings, diagnosis and plan of care to the patient</i> <i>Effectively communicates evaluation findings, diagnosis and plan of care to caregivers and/or family members as appropriate</i> <i>Effectively communicates evaluation findings, diagnosis and plan of care to the health care team</i> <i>Instructs patient, caregivers and/or family members in patient's home program</i>		
<b>Evaluative Criteria:</b>	Competent: Y, N, or N/O	Competent: Y, N, or N/O
<b>Interventions: therapeutic exercise</b> <i>Instructs in conditioning, strengthening and stretching activities</i> <i>Instructs in coordination, posture and balance exercises</i> <i>Modifies exercise based on patient response</i> <i>Utilizes neuromuscular education and re-education</i> <i>Instructs in task specific performance</i>		
<b>Interventions: functional training</b> <i>Instructs in instrumental activities of daily living</i> <i>Instructs in activities of daily living</i> <i>Instructs in gait and locomotion</i> <i>Instructs in bed mobility, transfers, wheelchair management and ambulation</i> <i>Trains patient in use of orthotic, protective, assistive, &amp; prosthetic devices</i>		
<b>Interventions: manual therapy techniques</b> <i>Performs joint mobilization</i> <i>Performs joint manipulation</i> <i>Performs soft tissue mobilization</i>		
<b>Interventions: wound care</b> <i>Selects appropriate wound cleansing methods</i> <i>Performs dressing changes</i> <i>Selects and applies appropriate topical agents and /or dressings</i> <i>Instructs in wound inspection and protection techniques</i>		
<b>Interventions: physical agents</b> <i>Applies thermal agents including heat and ice</i> <i>Applies electrical stimulation</i> <i>Applies mechanical traction</i> <i>Heeds indications, contra-indications and precautions in the use of physical agents</i> <i>Modifies application of the physical agent based on patient response</i>		
<b>Interventions: cardiopulmonary</b> <i>Facilitates airway clearance and instructs patient in techniques (includes chest physical therapy)</i> <i>Implements interventions to optimize aerobic capacity</i> <i>Instructs patient in breathing exercises with and without spirometry</i> <i>Implements cardiac and pulmonary rehabilitation programs</i>		

CATEGORY: UNITED STATES HEALTHCARE SYSTEM	MIDPOINT Competent: Yes No	FINAL Competent: Yes No
<b>Essential Criteria:</b>	<b>Observed &amp; competent:</b>	<b>Observed &amp; competent:</b>
<b>Understands role of the physical therapist in the United States Healthcare system</b> <i>Understands that U.S. physical therapists practice autonomously</i> <i>Establishes a diagnosis for physical therapy</i> <i>Collaborates with other members of the health care team</i> <i>Demonstrates understanding of and complies with state and federal regulations</i> <i>Demonstrates knowledge of and is personally responsive to ethical and legal issues of the work environment</i>		
<b>Demonstrates knowledge of federal laws and rules applicable to physical therapy</b> <i>Complies with Americans with Disabilities Act</i> <i>Complies with the Health Insurance Portability and Accountability Act</i> <i>Demonstrates knowledge of and complies with Occupational Safety and Health Administration regulations</i>		
<b>Demonstrates knowledge of state laws and rules applicable to physical therapy</b> <i>Complies with jurisdictional Practice Act and Rules including supervision of assistive personnel</i> <i>Demonstrates judicious and ethical use of social media</i>		
<b>Evaluative Criteria:</b>	Competent: Y, N, or N/O	Competent: Y, N, or N/O
<b>Utilizes time and clinic resources in accordance with legal and ethical requirements of the employer or health care organization</b> <i>Completes documentation in a timely manner</i> <i>Uses unscheduled time productively</i> <i>Use supplies and materials judiciously</i> <i>Responds to requests and appointments in a timely manner</i>		
<b>Utilizes support personnel with appropriate supervision</b> <i>Demonstrates understanding of the skill levels of support personnel</i> <i>Demonstrates understanding of supervision laws and ratios</i> <i>Demonstrates appropriate supervision of PTAs versus PT aides</i> <i>Delegates and directs assistive personnel as appropriate and as allowed by law</i>		
<b>Demonstrates knowledge of facility's policies and procedures</b> <i>Obtains informed consent</i> <i>Protects confidentiality of patient information including use of the electronic medical record</i> <i>Demonstrates understanding of organizational reporting levels and lines of communication</i>		
<b>Demonstrates knowledge of third party payer policies and requirements</b> <i>Takes patient's out of pocket cost into consideration when establishing a plan of care</i> <i>Obtains authorization for physical therapy services as required by insurance or facility</i> <i>Obtains certification and/or re-certification of Plan of Care as required by insurance</i> <i>Considers third party payer cost and public resources in the provision of healthcare</i> <i>Considers patient's insurance benefits and other resources when writing plan of care</i> <i>Provides meaningful treatment within allotted timeframe</i>		
<b>Charges Submitted for Payment are Supported by the Documentation</b> <i>Supports charges for services with documentation of time spent with patient and interventions performed</i> <i>Submits patient charges in timely manner</i>		

<p><b>Assigns Appropriate Diagnostic Code</b>  <i>Assigns ICD 9/ICD 10 codes for chief complaint</i>  <i>Assigns ICD 9/ICD 10 codes for co-morbidities</i></p>		
<p><b>Assigns Appropriate CPT Codes</b>  <i>Demonstrates understanding of timed verses untimed codes</i>  <i>Demonstrates understanding of Medicare Eight Minute Rule</i>  <i>Uses modifiers as appropriate</i>  <i>Understands concept of one on one therapy</i></p>		
<p><b>Understands the payment systems relative to the clinical setting</b>  <i>Skilled nursing facility: Resources Utilization Groups, Qualifying Minutes of Therapy, Skilled verses Unskilled Services</i>  <i>Acute care: Diagnosis related groups</i>  <i>Inpatient rehabilitation: Inpatient Rehabilitation Facility-Patient Assessment Instrument, Requirement for intensity of care - 3 Hour Rule</i>  <i>Home health care: Outcomes and Assessment information Set, Episode of Care, Recertification Period</i>  <i>Outpatient rehabilitation: Current Procedural Terminology Codes, 8 minute rule, timed verses untimed code, certification/recertification of the plan of care</i>  <i>School Based Pediatric Services – Individual Education Plan</i></p>		

**Category: PROFESSIONAL BEHAVIORS      MIDPOINT**

Comments (Supervisor)

Comments (PT Trainee)

**Category: COMMUNICATION AND DOCUMENTATION      MIDPOINT**

Comments (Supervisor)

Comments (PT Trainee)

**Category: EXAMINATION      MIDPOINT**

Comments (Supervisor)

Comments (PT Trainee)

**Category: EVALUATION, DIAGNOSIS AND PLAN OF CARE**

**MIDPOINT**

Comments (Supervisor)

Comments (PT Trainee)

**Category: INTERVENTION**

**MIDPOINT**

Comments (Supervisor)

Comments (PT Trainee)

**CATEGORY: UNITED STATES HEALTHCARE SYSTEM**

**MIDPOINT**

Comments (Supervisor)

Comments (PT Trainee)

**Category: PROFESSIONAL BEHAVIORS FINAL**

Comments (Supervisor)

Comments (PT Trainee)

**Category: COMMUNICATION AND DOCUMENTATION FINAL**

Comments (Supervisor)

Comments (PT Trainee)

**Category: EXAMINATION FINAL**

Comments (Supervisor)

Comments (PT Trainee)

**Category: EVALUATION, DIAGNOSIS AND PLAN OF CARE      FINAL**

Comments (Supervisor)
Comments (PT Trainee)

**Category: INTERVENTION      FINAL**

Comments (Supervisor)
Comments (PT Trainee)

**CATEGORY: UNITED STATES HEALTHCARE SYSTEM      FINAL**

Comments (Supervisor)
Comments (PT Trainee)



**Federation of State Boards of Physical Therapy  
Jurisdiction Licensure Reference Guide  
Topic: PT Supervision Ratios**

These tables provide information on which jurisdictions limit the number of personnel a PT can supervise, what the limits are and who is included in those limits.

**Summary: Number of jurisdictions with a supervision ratio of:**

1:1	0
1:2	6
1:3	14
1:4	5
Other	7
Not Reported	21
Total	53

**Summary: Types of personnel in the supervision ratio**

PTAs	30
Aides	19
Students	11
Temporary License	14
Supervised Clinical Practice	7
Other	0

STATE	Supervision Ratio?	Supervision Ratio	Other, please specify	Personnel Included in the Supervision Ratio				
				PTAs	Aides	Students	Temporary License	Supervised Clinical Practice
AL	Yes	1:4		✓				
AK	Yes	1:3			✓	✓	✓	
AZ	Yes	1:3		✓	✓	✓	✓	✓
AR	No							
CA	<i>No Data Provided</i>							
CO	Yes	1:3		✓	✓	✓		✓
CT	<i>No Data Provided</i>							
DE	Yes	1:2		✓			✓	
DC	Yes	1:3		✓	✓			

**Federation of State Boards of Physical Therapy  
Jurisdiction Licensure Reference Guide  
Topic: PT Supervision Ratios**

STATE	Supervision Ratio?	Supervision Ratio	Other, please specify	Personnel Included in the Supervision Ratio				
				PTAs	Aides	Students	Temporary License	Supervised Clinical Practice
FL	No							
GA	No							
HI	No							
ID	Yes	1:3		✓	✓	✓	✓	✓
IL	No							
IN	Yes	1:3		✓			✓	
IA	Yes	1:2		✓				
KS	Yes	1:4		✓				
KY	Yes	1:4		✓	✓			
LA	Yes		1:3, but could be 1:5 if using students	✓	✓	✓		
ME	<i>No Data Provided</i>							
MD	No							
MA	No							
MI	<i>No Data Provided</i>							
MN	Yes	1:2		✓				
MS	Yes	1:4		✓		✓	✓	
MO	Yes		4 full-time equivalent	✓				
MN	Yes		2 full-time PTAs or 4 aides or 2 PTAs + 2 aides	✓	✓	✓	✓	
NE	Yes	1:2		✓				
NV	Yes	1:3		✓	✓	✓	✓	✓

**Federation of State Boards of Physical Therapy  
Jurisdiction Licensure Reference Guide  
Topic: PT Supervision Ratios**

STATE	Supervision Ratio?	Supervision Ratio	Other, please specify	Personnel Included in the Supervision Ratio				
				PTAs	Aides	Students	Temporary License	Supervised Clinical Practice
NH	Yes		A PT shall supervise concurrently no greater # of PTAs & support personal than the PT is able to supervise competently while performing their duties.	✓	✓	✓	✓	✓
NJ				<i>No Data Provided</i>				
NM	Yes	1:4		✓	✓		✓	
NY	Yes		Generally, the ratio is 1:4. However, in school settings and home care, if the PTA is not being continuously supervised, the ratio is 1:2.	✓				
NC	Yes		(i) A PT must be limited: clinically supervising only that number of assistive personnel, including PTAs	✓	✓	✓		

**Federation of State Boards of Physical Therapy  
Jurisdiction Licensure Reference Guide  
Topic: PT Supervision Ratios**

STATE	Supervision Ratio?	Supervision Ratio	Other, please specify	Personnel Included in the Supervision Ratio				
				PTAs	Aides	Students	Temporary License	Supervised Clinical Practice
ND	Yes	1:3		✓	✓			
OH	No							
OK	Yes	1:3		✓			✓	
OR	No							
PA	Yes	1:3		✓				
PR	<i>No Data Provided</i>							
RI	<i>No Data Provided</i>							
SC	Yes	1:3		✓	✓			
SD	<i>No Data Provided</i>							
TN	<i>No Data Provided</i>							
TX	No							
UT	Yes	1:3		✓	✓			
VT	No							
VI	<i>No Data Provided</i>							
VA	Yes	1:3				✓		
WA	Yes	1:2		✓	✓		✓	✓
WV	Yes	1:2		✓	✓		✓	
			PT: PTAs = 1:2 PT: Unlicensed personnel + PTAs (including supervision of those PTs and PTAs with temp licenses) = 1:4					
WI	Yes			✓	✓		✓	✓
WY	Yes	1:3		✓	✓			

**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:	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections:  <b>Physical Therapy Examining Board</b>			
4) Meeting Date:  <b>Feb 27, 2014</b>	5) Attachments: x Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  <b>Report from WPTA Representative Mike Edwards, Regarding WPTA CE Approval Process and Audit Outcome”</b>	
7) Place Item in: x Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?  <b>Mike Edwards, WPTA, 9:30 a.m.</b>	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  <b>Mr. Edwards will report back about the WPTA’s CE Approval Process and the outcome of the audit of the approval process.</b>			
11) Authorization			
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

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**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Gretchen Mrozinski</b>		2) Date When Request Submitted:  <b>2/17/14</b>	
		Items will be considered late if submitted after 4:30 p.m. on the deadline date: <ul style="list-style-type: none"> <li>▪ 8 business days before the meeting for paperless boards</li> <li>▪ 14 business days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections:  <b>Physical Therapy Examining Board</b>			
4) Meeting Date:  <b>2/27/14</b>	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page?  Interpretation of 3-year language found in Wis. Stat. § 448.53(3) and Wis. Admin. Code chs. PT 1, 2 and 3	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  Per direction from Executive Director, provide legal opinion regarding interpretation of 3-year language found in Wis. Stat. § 448.53(3) and Wis. Admin. Code chs. PT 1, 2 and 3.			
11) Authorization			
<b>Gretchen Mrozinski</b>		<b>2/17/14</b>	
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.			

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**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Gretchen Mrozinski</b>		2) Date When Request Submitted:  <b>2/14/14</b>	
		Items will be considered late if submitted after 4:30 p.m. on the deadline date: <ul style="list-style-type: none"> <li>▪ 8 business days before the meeting for paperless boards</li> <li>▪ 14 business days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections:  <b>Physical Therapy Examining Board</b>			
4) Meeting Date:  <b>2/27/14</b>	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page?  <b>Applicability of Wis. Admin. Code § PT 3.02</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  <b>The Board raised the following issue, by motion, at its December 5, 2013 meeting.</b>  <b>"To seek opinion regarding the applicability of PT 3.02 relative to foreign licensed applicants who have not practiced in the United States."</b>  <b>Legal Counsel will be present to respond to motion/issue.</b>			
11) Authorization			
<b>Gretchen Mrozinski</b>		<b>2/14/14</b>	
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.			

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**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  <b>Shawn Leatherwood</b>		<b>2) Date When Request Submitted:</b>  <b>February 17, 2014</b> <small>Items will be considered late if submitted after 4:30 p.m. and less than:</small> <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 08 work days before the meeting for all others</li> </ul>	
<b>3) Name of Board, Committee, Council, Sections:</b>  Physical Therapy Examining Board			
<b>4) Meeting Date:</b>  <b>February 27, 2014</b>	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  <b>2013 Wisconsin Act 114 and PT 1.04</b>	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		<b>8) Is an appearance before the Board being scheduled? If yes, who is appearing?</b> <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	
<b>9) Name of Case Advisor(s), if required:</b>  N/A			
<b>10) Describe the issue and action that should be addressed:</b>  The Board will review recently passed legislation, 2013 Wisconsin Act 114, and discuss its impact on Wis. Admin. Code s. PT 1.04.			
<b>11)</b> <b>Shawn Leatherwood</b>		<b>Authorization</b>  <b>February 17, 2014</b>	
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			
<b>Directions for including supporting documents:</b> 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



2013 Senate Bill 337

Date of enactment: December 19, 2013  
Date of publication\*: December 20, 2013

## 2013 WISCONSIN ACT 114

AN ACT to repeal 449.05 (intro.), 451.06 (2), 452.09 (3) (e), 454.07 (3), 454.24 (3) and 456.04 (intro.); to renumber 442.04 (4) (a), 449.05 (1m), 449.05 (2m), 451.06 (1), 456.04 (1), 456.04 (2), 456.04 (3) and 456.04 (4); to renumber and amend 441.04, 441.06 (1), 441.07 (1), 441.10 (1), 441.10 (3) (a), 442.04 (4) (bm), 442.04 (4) (c), 442.04 (5), 449.04 (1), 450.03 (2), 450.04 (3) (intro.), 450.04 (3) (a), 450.04 (3) (b) and 456.03; to amend 39.393 (1) (c), 253.10 (7), 441.15 (3) (a) (intro.), 441.16 (2), 445.045 (1) (g), 449.04 (title), 449.055 (5) and 459.26 (3); to repeal and recreate 441.07 (title); and to create 440.071, 441.07 (1c), 441.10 (3) (a) 6. and 456.03 (5) of the statutes; relating to: examination requirements for various professional credentials and powers of the Board of Nursing.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 39.393 (1) (c) of the statutes is amended to read:

39.393 (1) (c) A program in this state that confers a 2nd degree that will make the person eligible to sit for examination licensure under s. 441.04 ~~441.06~~ or 441.10.

SECTION 2. 253.10 (7) of the statutes is amended to read:

253.10 (7) AFFIRMATIVE DEFENSE. No person is liable under sub. (5) or (6) or under s. 441.07 ~~(1) (g)~~ (f), 448.02 (3) (a), or 457.26 (2) (gm) for failure under sub. (3) (c) 2. d. to provide the printed materials described in sub. (3) (d) to a woman or for failure under sub. (3) (c) 2. d., e., f., fm., or g. to describe the contents of the printed materials if the person has made a reasonably diligent effort to obtain the printed materials under sub. (3) (e) and s. 46.245 and the department and the county department under s. 46.215, 46.22, or 46.23 have not made the printed materials available at the time that the person is required to give them to the woman.

SECTION 3. 440.071 of the statutes is created to read:

**440.071 No degree completion requirement to sit for examination.** (1) Except as provided under sub. (2), the department or a credentialing board or other board in the department may not require a person to complete any postsecondary education or other program before the person is eligible to take an examination for a credential the department or credentialing board or other board in the department grants or issues.

(2) This section does not apply to an examination for a real estate appraiser certification under s. 458.06 or license under s. 458.08.

SECTION 4. 441.04 of the statutes is renumbered 441.06 (1) (a) and amended to read:

441.06 (1) (a) ~~Requisites for examination as a registered nurse. Any person who has graduated The applicant graduates~~ from a high school or its equivalent as determined by the board, ~~does~~.

(b) The applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, holds.

(c) The applicant holds a diploma of graduation from an accredited school of nursing and, if the school is

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

located outside this state, submits evidence of general and professional educational qualifications comparable to those required in this state at the time of graduation may apply to the department for licensure by the board as a registered nurse, and upon payment of:

(d) ~~The applicant pays the fee specified under in s. 440.05 (1) shall be entitled to examination.~~

SECTION 5. 441.06 (1) of the statutes is renumbered 441.06 (1) (intro.) and amended to read:

441.06 (1) (intro.) ~~An Subject to s. 441.07 (1g), the board shall grant a license as a registered nurse to an applicant for licensure as a registered nurse who complies with all of the following requirements of this subchapter and satisfactorily passes an:~~

(e) ~~The applicant passes the examination shall under s. 441.05 to receive a license as a registered nurse in this state. The applicant may not take the examination before receiving a diploma under par. (c) unless the applicant obtains a certificate of approval to take the examination from the school of nursing the applicant attends and submits that certificate to the board prior to examination.~~

(1m) ~~The holder of such a license as a registered nurse under the laws of another state or territory or province of Canada may be granted a license as a registered nurse in this state without examination if the holder's credentials of general and professional educational qualifications and other qualifications are comparable to those required in this state during the same period and if the board is satisfied from the holder's employment and professional record that the holder is currently competent to practice the profession. The board shall evaluate the credentials and determine the equivalency and competency in each case. The application for licensure without examination shall be accompanied by the fee prescribed in s. 440.05 (2).~~

SECTION 6. 441.07 (title) of the statutes is repealed and recreated to read:

441.07 (title) **Disciplinary proceedings and actions.**

SECTION 7. 441.07 (1) of the statutes is renumbered 441.07 (1g), and 441.07 (1g) (intro.), as renumbered, is amended to read:

441.07 (1g) (intro.) ~~The board may, after disciplinary proceedings conducted in accordance with Subject to the rules promulgated under s. 440.03 (1), the board may deny an initial license or revoke, limit, suspend, or deny the renewal of a license of a registered nurse, a nurse-midwife, or a licensed practical nurse, may deny an initial certificate or revoke, limit, suspend, or deny the renewal of a certificate to prescribe drugs or devices granted under s. 441.16; or may reprimand a registered nurse, nurse-midwife, or licensed practical nurse, if the board finds that the person applicant or licensee committed any of the following:~~

SECTION 8. 441.07 (1c) of the statutes is created to read:

441.07 (1c) Subject to the rules promulgated under s. 440.03 (1), the board may conduct investigations and hearings to determine whether a person has violated this chapter or a rule promulgated under this chapter.

SECTION 9. 441.10 (1) of the statutes is renumbered 441.10 (3) (a) 1. and amended to read:

441.10 (3) (a) 1. ~~Prerequisites for examination as licensed practical nurses. A person who The applicant is 18 years of age or older, does,~~

2. ~~The applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, has,~~

3. ~~The applicant has completed 2 years of high school or its equivalent as determined by the board and holds,~~

4. ~~The applicant holds a diploma of graduation from an accredited school for licensed practical nurses approved by that the board, may apply to the board for licensing as a licensed practical nurse, and, upon payment of the examination.~~

5. ~~The applicant pays the fee specified in s. 440.05 (1), shall be entitled to take an examination.~~

(ag) Any school for licensed practical nurses, in order to be accredited, must offer a course of not less than 9 months.

SECTION 10. 441.10 (3) (a) of the statutes is renumbered 441.10 (3) (a) (intro.) and amended to read:

441.10 (3) (a) (intro.) ~~On complying with this subchapter relating to applicants Subject to s. 441.07 (1g), the board shall grant a license as a licensed practical nurse to an applicant for licensure as licensed practical nurses, and passing an examination, the applicant shall receive a license as a licensed practical nurse, who satisfies all of the following conditions:~~

(ar) ~~The holder of the a license under this subsection is a "licensed practical nurse" and may append the letters "L.P.N." to his or her name. The board may reprimand or may limit, suspend, or revoke the license of a licensed practical nurse under s. 441.07.~~

SECTION 11. 441.10 (3) (a) 6. of the statutes is created to read:

441.10 (3) (a) 6. The applicant passes the examination under sub. (2) for licensure as a licensed practical nurse in this state. The applicant may not take the examination before receiving a diploma under subd. 4. unless the applicant obtains a certificate of approval to take the examination from the school of nursing the applicant attends and submits that certificate to the board prior to examination.

SECTION 12. 441.15 (3) (a) (intro.) of the statutes is amended to read:

441.15 (3) (a) (intro.) ~~The Subject to s. 441.07 (1g), the board shall grant a license to engage in the practice of nurse-midwifery to any person licensed as a registered nurse under this subchapter or in a party state, as defined in s. 441.50 (2) (j), who does all of the following:~~

SECTION 13. 441.16 (2) of the statutes is amended to read:

441.16 (2) ~~The Subject to s. 441.07 (1g), the board shall grant a certificate to issue prescription orders to an advanced practice nurse who meets the education, training, and examination requirements established by the board for a certificate to issue prescription orders, and who pays the fee specified under s. 440.05 (1). An advanced practice nurse certified under this section may provide expedited partner therapy in the manner described in s. 448.035.~~

SECTION 14. 442.04 (4) (a) of the statutes, as affected by 2013 Wisconsin Act 21, is renumbered 442.04 (5) (a).

SECTION 15. 442.04 (4) (bm) of the statutes is renumbered 442.04 (5) (b) 3. and amended to read:

442.04 (5) (b) 3. ~~A person may not take the examination leading to the certificate to practice as a certified public accountant unless the~~ The person has completed at least 150 semester hours of education with an accounting concentration at an institution, and has received a bachelor's or higher degree with an accounting concentration from an institution, except as provided in par. (c).

SECTION 16. 442.04 (4) (c) of the statutes is renumbered 442.04 (5) (c) and amended to read:

442.04 (5) (c) ~~If an applicant has a bachelor's or higher degree from an institution, and satisfies the other conditions under par. (b), but does not have an accounting concentration required in par. (bm) (b) 3., the examining board may review such other educational experience from an institution as the applicant presents and, if the examining board determines that such other experience provides the reasonable equivalence of an accounting concentration required in par. (bm) (b) 3., the examining board shall approve grant a certificate as a certified public accountant to the applicant for examination.~~

SECTION 17. 442.04 (5) of the statutes is renumbered 442.04 (5) (b) (intro.) and amended to read:

442.04 (5) (b) (intro.) ~~The examining board may not grant a certificate as a certified public accountant to any person other than a person who is~~ satisfies all of the following conditions:

1. ~~The person is 18 years of age or older, does,~~
2. ~~The person does not have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335, and, except,~~

4. ~~Except as provided in s. 442.05, the person has successfully passed an examination in such subjects affecting accountancy as the examining board considers necessary. The examining board may not grant the certificate unless the applicant has~~

5. ~~The person has at least one year of public accounting experience or its equivalent, the sufficiency of the experience or the equivalency to be judged by the examining board.~~

(d) ~~The examining board shall ensure that evaluation procedures and examinations under this subsection are nondiscriminatory, relate directly to accountancy, and~~

are designed to measure only the ability to perform competently as an accountant. The examining board may use the examination service provided by the American Institute of Certified Public Accountants.

SECTION 18. 445.045 (1) (g) of the statutes is amended to read:

445.045 (1) (g) ~~The person must have successfully passed a comprehensive examination conducted by the examining board as required by s. 445.04. The examination may be taken at any time after completion of the college and mortuary school instruction and regardless of the age of the applicant.~~

SECTION 19. 449.04 (title) of the statutes is amended to read:

**449.04 (title) Examination and licensure.**

SECTION 20. 449.04 (1) of the statutes is renumbered 449.04 (1) (intro.) and amended to read:

449.04 (1) (intro.) ~~Licenses~~ The examining board may grant a license to engage in the practice of optometry shall be issued only to persons a person who pass satisfies all of the following conditions:

(c) ~~The person passes an examination approved or conducted by the examining board. An applicant who qualifies under s. 449.05 may take any examination approved or administered by the examining board upon payment of~~

(d) ~~The person pays the fee specified in s. 440.05 (1).~~

SECTION 21. 449.05 (intro.) of the statutes is repealed.

SECTION 22. 449.05 (1m) of the statutes is renumbered 449.04 (1) (a).

SECTION 23. 449.05 (2m) of the statutes is renumbered 449.04 (1) (b).

SECTION 24. 449.055 (5) of the statutes is amended to read:

449.055 (5) ~~The person satisfies the requirements under s. 449.05~~ 449.04 (1) (a) and (b).

SECTION 25. 450.03 (2) of the statutes is renumbered 450.03 (2) (intro.) and amended to read:

450.03 (2) (intro.) ~~The~~ Except as provided in s. 450.10, the board shall issue a license as a pharmacist to any person who files satisfactory proof of qualifications under s. 450.04 (3), passes does all of the following:

(c) ~~Passes the examination under s. 450.04 and pays,~~

(d) ~~Pays the fee specified in s. 440.05 (1), except as provided under s. 450.10.~~

SECTION 26. 450.04 (3) (intro.) of the statutes is renumbered 450.04 (3) and amended to read:

450.04 (3) ~~Every candidate for examination for licensure as a pharmacist shall submit an application on a form provided by the department and pay the fee specified in s. 440.05 (1) at least 30 days before the date of examination. Every candidate shall also submit proof to the board that he or she:~~

SECTION 27. 450.04 (3) (a) of the statutes is renumbered 450.03 (2) (a) and amended to read:

450.03 (2) (a) Has received a professional degree from a pharmacy program approved by the board; and.

SECTION 28. 450.04 (3) (b) of the statutes is renumbered 450.03 (2) (b) and amended to read:

450.03 (2) (b) Has completed an internship in the practice of pharmacy or has practical experience acquired in another state ~~which that~~ is comparable to that included in an internship and ~~which that~~ is approved and verified by the board or by the agency ~~which that~~ is the equivalent of the board in the state in which the practical experience was acquired.

SECTION 29. 451.06 (1) of the statutes is renumbered 451.06.

SECTION 30. 451.06 (2) of the statutes is repealed.

SECTION 31. 452.09 (3) (e) of the statutes is repealed.

SECTION 32. 454.07 (3) of the statutes is repealed.

SECTION 33. 454.24 (3) of the statutes is repealed.

SECTION 34. 456.03 of the statutes is renumbered 456.03 (intro.) and amended to read:

**456.03 Licenses.** (intro.) An applicant for a license as a nursing home administrator who does all of the following and has successfully complied with the any other requirements for licensure under this chapter and passed the examination shall be granted a license by the examining board, certifying that the applicant has met the

requirements of the laws and rules entitling the applicant to serve, act, practice, and otherwise hold himself or herself out as a duly licensed nursing home administrator.

SECTION 35. 456.03 (5) of the statutes is created to read:

456.03 (5) Passes the examination under s. 456.05.

SECTION 36. 456.04 (intro.) of the statutes is repealed.

SECTION 37. 456.04 (1) of the statutes is renumbered 456.03 (1).

SECTION 38. 456.04 (2) of the statutes is renumbered 456.03 (2).

SECTION 39. 456.04 (3) of the statutes is renumbered 456.03 (3).

SECTION 40. 456.04 (4) of the statutes is renumbered 456.03 (4).

SECTION 41. 459.26 (3) of the statutes is amended to read:

459.26 (3) An individual is not eligible for examination unless he or she ~~has satisfied the requirements for licensure under s. 459.24 (2) (a) to (d) or (3) (a) to (d) and~~, at least 30 days before the date of examination, submits an application for examination to the department on a form provided by the department and pays the fee specified in s. 440.05 (1).

## Chapter PT 1

## LICENSE TO PRACTICE PHYSICAL THERAPY

PT 1.01 Authority and purpose.  
PT 1.02 Definitions.

PT 1.03 Applications and credentials.  
PT 1.04 Application deadline and fees.

**PT 1.01 Authority and purpose.** (1) The rules in this chapter are adopted by the physical therapy examining board pursuant to the authority delegated by ss. 15.08 (5) (b), and 15.405 (7r), 448.53 (1), Stats.

(2) The rules in this chapter are adopted to govern the issuance of licenses to physical therapists and physical therapist assistants under ss. 448.53, 448.535, 448.54, and 448.55, Stats.

**History:** Cr. Register, September, 1995, No. 477, eff. 10-1-95; am., Register, June, 1998, No. 510, eff. 7-1-98; CR 03-020: am. Register April 2004 No. 580, eff. 5-1-04; CR 12-002: r. and recr. Register August 2012 No. 680, eff. 9-1-12.

**PT 1.02 Definitions.** As used in chs. PT 1 to 9:

(1) "Board" means the physical therapy examining board.

(2) "Candidate for reentry" means a physical therapist or physical therapist assistant who has not practiced in the 3 years immediately preceding the application for licensure or renewal of licensure, and who has been issued a temporary license for purposes of establishing competence to reenter clinical practice.

(3) "Client" means a person who has contracted for, who receives, and or who has previously received or contracted for, the professional services of a physical therapist, a physical therapist assistant, student or temporary licensee, whether the physical 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 age 18, the client's parent or legal guardian are also clients.

(4) "Direct, immediate, on-premises supervision" means face-to-face contact between the supervisor and the person being supervised, as necessary, with the supervisor physically present in the same building when the service is performed by the person being supervised.

(5) "Direct, immediate, one-to-one supervision" means one-to-one supervision with face-to-face contact between the person being supervised and the supervisor. The supervisor may assist the person being supervised as necessary.

(6) "FSBPT" means the Federation of State Boards of Physical Therapy.

(7) "General supervision" means direct, on-premises contact between a supervisor, and a physical therapist, physical therapist assistant, student or temporary licensee being supervised, as necessary. Between direct contacts, a supervisor is required to maintain indirect, off-premises telecommunication contact such that the person being supervised can, within 24 hours, establish direct telecommunication with a supervisor.

(8) "Informed consent" means a client's voluntary, knowing and understood agreement to the service to be provided by the physical therapist, physical therapist assistant, temporary licensee, candidate for reentry, or student. Informed consent requires, at a minimum, that the licensee has provided information about reasonable alternate modes of diagnosis and treatment, and the risks and benefits of each, that a reasonable person in the client's position would need before making an informed decision concerning the mode of treatment or diagnosis.

(a) Informed consent may ordinarily be documented by the written signature of the client, the client's guardian or the client's power of attorney for healthcare, or in the alternative by a notation in the patient's health care record as defined in s. 146.81 (4), Stats.

If circumstances prevent signed documentation by the client, the licensee may document verbal consent within the patient's health care record.

(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 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.

(e) No service or part of a service may be provided without informing the client of the general nature of the costs associated with the service provided or contact information for the entity who can address billing concerns.

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

(10) "License" means any license, permit, certificate or registration issued by the board.

(11) "Licensee" means any person validly possessing any license granted and issued to that person by the board.

(12) "Supervisor" means a person holding a regular license as a physical therapist who is competent to coordinate, direct, and inspect the accomplishments of another physical therapist, physical therapist assistant, student, or temporary licensee.

(13) "Temporary licensee" means a graduate of a physical therapy school or program who has met the requirements for and who has been granted a temporary license to practice as a physical therapist or physical therapist assistant as provided in ch. PT 3.

(14) "Unlicensed personnel" means a person other than a physical therapist or physical therapist assistant who performs patient related tasks consistent with the unlicensed personnel's education, training and expertise under the direct on-premises supervision of the physical therapist.

**History:** Cr. Register, September, 1995, No. 477, eff. 10-1-95; r. (5), cr. (6), Register, April, 2000, No. 532, eff. 5-1-00; CR 03-020: am. (intro.), (2) and (6) Register April 2004 No. 580, eff. 5-1-04; CR 12-002: am. (1), renum. (2), (3), (4) to be (6), (10), (11), cr. (2) to (5), renum. (6) to be (14), cr. (7) to (9), (12), (13) Register August 2012 No. 680, eff. 9-1-12.

**PT 1.03 Applications and credentials.** (1) Every person applying for any class of license to provide physical therapy services shall make application on forms provided by the board, and shall submit to the board all of the following:

(a) A completed and verified application form.

**Note:** Application forms are available upon request to the board office at 1400 East Washington Avenue, P.O. Box 8933, Madison, Wisconsin 53708.

(c) For a physical therapist, verified documentary evidence of graduation from a school of physical therapy; for a physical therapist assistant, verified documentary evidence of satisfactory completion of a physical therapist assistant educational program approved by the board.

(d) In the case of a graduate of a foreign school of physical therapy or physical therapist assistant educational program, verification of educational equivalency to a board-approved school of physical therapy or physical therapist assistant educational program, the verification shall be obtained from a board-approved

foreign graduate evaluation service, based upon submission to the evaluation service of the following material:

1. A verified copy of transcripts from the schools from which secondary education was obtained.

2. A verified copy of the diploma from the school or educational program at which professional physical therapy or physical therapist assistant training was completed.

3. A record of the number of class hours spent in each subject, for both preprofessional and professional courses. For subjects which include laboratory and discussion sections, the hours must be described in hours per lecture, hours per laboratory and hours per discussion per week. Information must include whether subjects have been taken at basic entry or advanced levels.

4. A syllabus which describes the material covered in each subject completed.

(2) If an applicant is a graduate of a school of physical therapy or a physical therapist assistant educational program not approved by the board, the board shall determine whether the applicant's educational training is equivalent to that specified in sub. (1) (c). In lieu of its own evaluations, the board may use evaluations prepared by a board-approved evaluation service. The cost of an evaluation shall be paid by the applicant.

Note: The board periodically reviews and approves foreign graduate evaluation services. A list of board-approved evaluation services is available upon request from the board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935.

(3) The board may waive the requirement under sub. (1) (c) for an applicant who establishes, to the satisfaction of the board, all of the following:

(a) That he or she is a graduate of a physical therapy school or a physical therapist assistant educational program.

(b) That he or she is licensed as a physical therapist or physical therapist assistant by another licensing jurisdiction in the United States.

(c) That the jurisdiction in which he or she is licensed required the licensee to be a graduate of a school or educational program approved by the licensing jurisdiction or of a school or educational program that the licensing jurisdiction evaluated for educational equivalency.

(d) That he or she has actively practiced as a physical therapist or physical therapist assistant, under the license issued by the other licensing jurisdiction in the United States, for at least 3 years immediately preceding the date of his or her application.

Note: The board approves those schools of physical therapy and physical therapist assistant educational programs that are at the time of the applicant's graduation recognized and approved by the Commission on Accreditation in Physical Therapy Education.

Note: Under 2001 Wis. Act 70, physical therapist assistants are not required to be licensed until April 1, 2004.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95; r. (1) (b), am. (2) and (3) (intro.), Register, June, 1998, No. 510, eff. 7-1-98; CR 03-020: am. (1) (intro.), (c), (d) (intro.), 2, (2), (3) (a) to (d), Register April 2004 No. 580, eff. 5-1-04; CR 12-002: am. (1) (c) Register August 2012 No. 680, eff. 9-1-12.

**PT 1.04 Application deadline and fees.** The completed application and all required documents must be received by the board at its office not less than 30 days prior to the date of the examination. The required fees specified in s. 440.05 (1), Stats., shall accompany the application.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95.

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## 2013 ASSEMBLY BILL 658

January 24, 2014 - Introduced by Representatives KOOYENGA, BERNARD SCHABER, TITTL, KLEEFISCH, NASS, KAHL, STRACHOTA, KESSLER, A. OTT, WRIGHT, CZAJA and HUTTON, cosponsored by Senators VUKMIR and FARROW. Referred to Committee on Health.

1     **AN ACT to amend** 462.04 of the statutes; **relating to:** prescriptions or orders for  
2             the use of diagnostic X-ray equipment by radiography examining board  
3             licensees and permit holders.

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### *Analysis by the Legislative Reference Bureau*

Under current law, subject to certain exceptions, no person may engage in the practice of radiography unless the person holds a license or limited permit issued by the Radiography Examining Board. Radiography is generally defined as the imaging of anatomical structures, produced by the combined application of X-rays to the human body. In addition, under current law, a person holding such a license or permit may not use diagnostic X-ray equipment on humans for diagnostic purposes unless authorized to do so by a prescription or order issued by one of several types of licensed medical professionals specified under current law.

This bill adds licensed physical therapists to this list of licensed medical professionals authorized to prescribe or order the use of diagnostic X-ray equipment.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4             **SECTION 1.** 462.04 of the statutes is amended to read:  
5             **462.04 Prescription or order required.** A person who holds a license or  
6             limited X-ray machine operator permit under this chapter may not use diagnostic

**ASSEMBLY BILL 658****SECTION 1**

1 X-ray equipment on humans for diagnostic purposes unless authorized to do so by  
2 prescription or order of a physician licensed under s. 448.04 (1) (a), a dentist licensed  
3 under s. 447.04 (1), a podiatrist licensed under s. 448.63, a chiropractor licensed  
4 under s. 446.02, an advanced practice nurse certified under s. 441.16 (2), ~~or a~~  
5 physician assistant licensed under s. 448.04 (1) (f), or a physical therapist licensed  
6 under s. 448.53.

7 (END)