



VIRTUAL/TELECONFERENCE
RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL
4822 Madison Yards Way, Madison, WI 53705
Contact: Tom Ryan (608) 266-2112
February 13, 2024

The following agenda describes the issues that the Council 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 description of the actions and deliberations of the Council. Be advised that board members may attend meetings designated as "Hybrid" in-person or virtually.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of February 14, 2023 (4-7)**
- C. Introductions, Announcements and Recognition
- D. Reminders: Conflicts of Interest, Scheduling Concerns
- E. Administrative Updates**
 - 1. Department, Staff and Council Updates
 - 2. Annual Policy Review **(8-10)**
 - 3. Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities **(11-25)**
 - 4. Council Members – Term Expiration Dates
 - a. Becker, Chris R. – 7/1/2022
 - b. Bonner, Ann A. – 7/1/2020
 - c. Waldera, Lynn R. – 7/1/2020
- F. Legislative and Policy Matters – Discussion and Consideration (26)**
 - 1. Assembly Bill 143 **(27-38)**
- G. Administrative Rule Matters – Discussion and Consideration
 - 1. Pending or Possible Rulemaking Projects
- H. Discussion and Consideration of Items Added After Preparation of Agenda:
 - 1. Introductions, Announcements and Recognition
 - 2. Administrative Updates
 - 3. Elections, Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments
 - 4. Education and Examination Matters
 - 5. Credentialing Matters

6. Practice Matters
7. Future Agenda Items
8. Legislative and Policy Matters
9. Administrative Rule Matters
10. Public Health Emergencies
11. Liaison Report(s)
12. Informational Item(s)
13. Disciplinary Matters
14. Motions
15. Petitions
16. Appearances from Requests Received or Renewed
17. Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports

I. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85(1)(a), Stats.); to consider licensure or certification of individuals (§ 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85(1)(b), Stats. and § 448.02(8), Stats.); to consider individual histories or disciplinary data (§ 19.85(1)(f), Stats.); and to confer with legal counsel (§ 19.85(1)(g), Stats.).

J. Deliberation of Items Added After Preparation of the Agenda

1. Council Liaison Training
2. Education and Examination Matters
3. Credentialing Matters
4. Disciplinary Matters
5. Petitions for Assessments and Evaluations
6. Remedial Education Cases
7. Motions
8. Petitions for Re-Hearing
9. Appearances from Requests Received or Renewed

K. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

L. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

M. Open Session Items Noticed Above Not Completed in the Initial Open Session

N. Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

ADJOURNMENT

ORAL INTERVIEWS OF CANDIDATES FOR LICENSURE

VIRTUAL/TELECONFERENCE

9:45 A.M. OR IMMEDIATELY FOLLOWING THE FULL COUNCIL MEETING

CLOSED SESSION – Reviewing Applications and Conducting Oral Interview(s) of zero (0) (at time of agenda publication) Candidate(s) for Licensure – Chris Becker and Ann Bonner

 MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or the Meeting Staff at 608-267-7213.

**HYBRID (IN-PERSON/VIRTUAL)
RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL
MEETING MINUTES
FEBRUARY 14, 2023**

PRESENT: Chris Becker, Ann Bonner, Lynn Waldera

STAFF: Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin, Administrative Rule Coordinator; Dialah Azam, Bureau Assistant; and other Department Staff

CALL TO ORDER

Chris Becker, Chairperson, called the meeting to order at 9:00 a.m. A quorum was confirmed with three (3) members present.

ADOPTION OF AGENDA

MOTION: Chris Becker moved, seconded by Lynn Waldera, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 15, 2022

MOTION: Chris Becker moved, seconded by Ann Bonner, to approve the Minutes of February 15, 2022 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Slate of Officers

NOMINATION: Chris Becker nominated the 2022 slate of officers to continue in 2023. All officers accepted their nominations.

Tom Ryan, Executive Director, called for nominations three (3) times.

The Slate of Officers was elected by unanimous voice vote.

| ELECTION RESULTS | |
|-------------------------|--------------|
| Chairperson | Chris Becker |
| Vice Chairperson | Lynn Waldera |
| Secretary | Ann Bonner |

Appointment of Liaisons and Alternates

| LIAISON APPOINTMENTS | |
|----------------------------------------------|------------------------------------------------|
| Credentialing Liaison(s) | Chris Becker <i>Alternate: Lynn Waldera</i> |
| Legislative Liaison(s) | Ann Bonner <i>Alternate: Lynn Waldera</i> |
| Education and Examinations Liaison(s) | Chris Becker <i>Alternate: Ann Bonner</i> |
| Travel Authorization Liaison(s) | Lynn Waldera <i>Alternate: Ann Bonner</i> |

Delegation of Authorities

Document Signature Delegations

MOTION: Chris Becker moved, seconded by Lynn Waldera, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving council member in that succession) to sign documents on behalf of the Council in order to carry out its duties. Motion carried unanimously.

MOTION: Ann Bonner moved, seconded by Chris Becker, in order to carry out duties of the Council, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving council member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Council hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a council member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Lynn Waldera moved, seconded by Chris Becker, that in order to facilitate the completion of urgent matters between meetings, the Council delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving council member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: Chris Becker moved, seconded by Lynn Waldera, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Council and to act on behalf of the Council in regard to

credentialing applications or questions presented to them, including the signing of documents related to applications, except that potential denial decisions shall be referred to the Medical Examining Board for final determination. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Ann Bonner moved, seconded by Chris Becker, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Council or Council liaison review. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Lynn Waldera moved, seconded by Chris Becker, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Lynn Waldera moved, seconded by Ann Bonner, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of respiratory care. Motion carried unanimously.

Delegation of Authority for Military Reciprocity Reviews

MOTION: Ann Bonner moved, seconded by Chris Becker, to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09. Motion carried unanimously.

Education and Examination Liaison(s) Delegation

MOTION: Lynn Waldera moved, seconded by Chris Becker, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Council Member Contact Information to National Regulatory Related Bodies

MOTION: Lynn Waldera moved, seconded by Ann Bonner, to authorize the Department staff to provide national regulatory related bodies with all council member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Chris Becker moved, seconded by Ann Bonner, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving council member in that succession) to provide a brief statement or link relating to council-related business within the license renewal notice at the Council's or Council designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Lynn Waldera moved, seconded by Ann Bonner, to delegate authority to the Legislative Liaisons to speak on behalf of the Council regarding legislative matters. Motion carried unanimously.

Travel Authorization Liaison Delegation

MOTION: Chris Becker moved, seconded by Lynn Waldera, to delegate authority to the Travel Authorization Liaison to approve any council member travel to and/or participation in events germane to the council, and to designate representatives from the Council to speak and/or act on the Council's behalf at such events. Motion carried unanimously.

RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Chris Becker moved, seconded by Ann Bonner, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Ann Bonner moved, seconded by Lynn Waldera, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:26 a.m.

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

AGENDA REQUEST FORM

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| 1) Name and title of person submitting the request: Brenda Taylor, Board Services Supervisor | | 2) Date when request submitted: 12/14/2023 | |
| 3) Name of Board, Committee, Council, Sections: All Boards | | | |
| 4) Meeting Date: First Meeting of 2024 | 5) Attachments: <input checked="" type="checkbox"/> Yes | 6) How should the item be titled on the agenda page? Annual Policy Review | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session | 8) Is an appearance before the Board being scheduled? <input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if applicable: N/A | |
| 10) Describe the issue and action that should be addressed: | | | |
| <p>Please be advised of the following Policy Items:</p> <ol style="list-style-type: none"> 1. In-Person Meeting Policy: Depending on the frequency of Board meetings, a Board may be allowed a certain number of in-person meetings. <ul style="list-style-type: none"> • 4-5 Meetings per year = 1 in-person opportunity • 6-8 Meetings per year =2 in-person opportunities • 12 Meetings per year = 4 in-person opportunities 2. Attendance/Quorum: Thank you for your service and commitment to meeting attendance. If you cannot attend a meeting or have scheduling conflicts impacting your attendance, please let us know as soon as possible. Timely notification is appreciated as a quorum is required for Boards, Sections, and Councils to meet pursuant to Open Meetings Law. 3. Walking Quorum: Board/Section/Council members must not collectively discuss the body’s business outside a properly noticed meeting. Should several members of a body do so, the members could be violating the open meetings law. 4. Mandatory Training: All Board Members must complete Public Records and Ethics Training, annually. 5. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline at 12:00 pm, 8 business days prior to a meeting. (Attachment: Timeline of a Meeting) 6. Per Diem and Reimbursement Claims: Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. (Attachment: Per Diem Example) 7. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members. Standard eligibility: the member must leave home before 6:00 am to attend a meeting by the scheduled start time. <ol style="list-style-type: none"> a. If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. b. If a meeting is changed to occur remotely, is canceled, or rescheduled, DSPS staff will cancel or modify reservations as appropriate. 8. Inclement Weather Policy: In the event of inclement weather, the DSPS may change a meeting from an in-person venue to hosted as virtual/teleconference only. | | | |
| 11) | | Authorization | |
| <i>Brenda Taylor</i> | | <i>12/14/2023</i> | |
| <p>Directions for including supporting documents:</p> <ol style="list-style-type: none"> 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director | | | |

Timeline of a Meeting

8 business days prior to the meeting: All agenda materials are due to the Department by 12:00 pm, 8 business days prior to the meeting date.

7 business days prior to the meeting: The draft agenda page is due to the Executive Director. The Executive Director transmits to the Chair for review and approval.

5 business days prior to the meeting: The approved agenda is returned to the Board Administration Specialist for agenda packet production and compilation.

4 business days prior to the meeting: Agenda packets are posted on the DSPS Board SharePoint site and on the Department website.

Agenda Item Examples:

- Approval of the Agenda and previous meeting Minutes
- Open Session Items
 - Public Hearings (relating to Administrative Rules)
 - Administrative Matters
 - Legislation and Policy Matters
 - Administrative Rules Matters
 - Credentialing Matters
 - Education and Exam Issues
 - Public Agenda Requests
 - Current Issues Affecting the Profession
 - Public Comments
- Closed Session items
 - Deliberations on Proposed Disciplinary Actions
 - Stipulations
 - Administrative Warnings
 - Case Closings
 - Monitoring Matters
 - Professional Assistance Procedure (PAP) Issues
 - Proposed Final Decisions and Orders
 - Orders Fixing Costs/Matters Relating to Costs
 - Credentialing Matters
 - Education and Exam Issues

Thursday of the Week Prior to the Meeting: Agendas are published for public notice on the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

1 business day after the Meeting: "Action" lists are distributed by staff detailing board actions on closed session business.

5 business days after the Meeting: "To Do" lists are distributed to staff to ensure that board decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

Department of Safety and Professional Services

PER DIEM REPORT

INSTRUCTIONS: Claimant records board-related activities by entering the date of an activity, the duration of time spent in that activity, the relevant purpose code (see purpose code descriptions below), where the activity is conducted, and the type of activity performed. Only one (1) \$25.00 per diem payment can be issued on any given calendar day.

Purpose Codes:

- A. Official meetings including video/teleconference calls** (automatic day of per diem): i.e., board, committee, board training or screening panels; **Hearings**, i.e., Senate Confirmation, legislative, disciplinary or informal settlement conferences; **Examinations and Test Development Sessions**, i.e., test administration, test review or analysis events, national testing events, tour of test facilities, etc.)
- B. Other** (One (1) per diem will be issued for every five (5) hours spent in category B, per calendar month): i.e., review of disciplinary cases, consultation on cases, review of meeting materials, board liaison work e.g., contacts regarding Monitoring, Professional Assistance Procedure, Credentialing, Education and Examinations

| NAME OF EXAMINING BOARD OR COUNCIL | | | BOARD OR COUNCIL MEMBER'S NAME | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EXAMPLE EXAMINING BOARD | | | MARY SUNSHINE | |
| Activity Date | Duration of Activity | Purpose Code | Where Performed | Activity |
| MM/DD/YY | Hours/Minutes | A or B | City/Location (Home, Work, DSPS) | Describe Activity Performed (see purpose codes) |
| 12/2/20 | 2 hrs | B | Pleasant Prairie/Home | Review of screening panel materials |
| 12/3/20 | 2 hr / 30 mins | B | Pleasant Prairie/Home | Review of screening panel materials |
| 12/10/20 | 1 hr | A | Pleasant Prairie/Home | Screening Panel Meeting - Teleconference |
| 12/12/20 | 1 hr / 30 mins | B | Pleasant Prairie/Home | Case consultation |
| 12/13/20 | 1 hr | B | Pleasant Prairie/Home | Liaison: Application Review |
| 12/16/20 | 6 hrs | A | Madison/DSPS | Board Member Training |
| | | | | <p>The 5-hour rule applies to "B" code activities. Add the 'B' codes within the calendar month and then divide by five (5) hours to calculate your per diem payment. In this case the total is seven (7) hours which equals one (1) day of per diem.</p> <p>Each 'A' code is an automatic day of per diem regardless of time spent in that activity. Ms. Sunshine is eligible for two (2) additional days of payment.</p> <p>Department staff completes the fields titled "Total Days Claimed".</p> |
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| CLAIMANT'S CERTIFICATION | | | Comments: | |
| The undersigned certifies, in accordance with § 16.53, Wis. Stats., that this account for per diem, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law. | | | | |
| <i>Mary Sunshine</i> | | <i>1/4/2021</i> | | |
| Claimant's Signature | Date | Supervisor | Date | |

EMPL ID: 100012345-0

To be completed by Department staff: TOTAL DAYS CLAIMED: 3 @ \$25.00 = 75.00

Respiratory Care Practitioners Examining Council
Elections as of 12/31/2023

| ELECTION RESULTS | |
|-------------------------|--------------|
| Chairperson | Chris Becker |
| Vice Chairperson | Lynn Waldera |
| Secretary | Ann Bonner |

Appointment of Liaisons and Alternates

| LIAISON APPOINTMENTS | |
|----------------------------------------------|------------------------------------------------|
| Credentialing Liaison(s) | Chris Becker <i>Alternate: Lynn Waldera</i> |
| Legislative Liaison(s) | Ann Bonner <i>Alternate: Lynn Waldera</i> |
| Education and Examinations Liaison(s) | Chris Becker <i>Alternate: Ann Bonner</i> |
| Travel Authorization Liaison(s) | Lynn Waldera <i>Alternate: Ann Bonner</i> |



State of Wisconsin

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

CORRESPONDENCE / MEMORANDUM

DATE: January 9, 2024

TO: Board, Council, and Committee Members

FROM: Legal Counsel

SUBJECT: Liaison Definitions and Delegations Explanations

Overall Purpose of Liaison Appointments

Each Board/Section (Board) has inherent authority that is established in our Wisconsin Statutes. This authority may change from Board to Board. For further information on your Board's authority review Wis. Stat. ch. 15. Generally, each Board has authority to grant credentials, discipline credential holders, and set standards for education and examinations. Additionally, Liaisons assist with the operations of the Boards purpose by weighing in on legislative matters, traveling to national conferences, or communicating with stakeholders.

The Department asks that each year the Boards make liaison appointments to assist the Board and Department to accomplish these tasks in an efficient manner. Your practical knowledge and experience, as an appointed member of a professional board, are essential in making determinations regularly. The Liaison positions below assist the Department to complete operations between Board meetings. In most cases, Liaisons can make decisions for the full Board in their designated area. These are determined through the delegation process. However, a Liaison may also decide to send the delegated issue to the full Board for consideration as appropriate. Delegations assist the Board in defining the roles and authorities of each Liaison.

Liaison Definitions

Credentialing Liaison: The Credentialing Liaison is empowered by the Board to review and make determinations regarding certain applications for credentials. The Credentialing Liaison may be called on by Department staff to answer questions that pertain to qualifications for licensure, which may include whether a particular degree is suitable for the application requirements, whether an applicant's specific work experience satisfies the requirements in statute or rule for licensure, or whether an applicant's criminal or disciplinary history is substantially related to the practice of the profession in such a way that granting the applicant a credential would create a risk of harm to the public. Questions will likely be sent by Department

staff to the Credentialing Liaison via email and may include application materials. The Credentialing Liaison serves a very important role in the credentialing process.

Monitoring Liaison: The Monitoring Liaison is empowered by the Board to make decisions on any credential that is limited either through a disciplinary order or initial licensure. The Department Monitors will send requests from credential holders to the Monitoring Liaison. These requests vary wildly. A common request could be to remove a limitation that has been placed on a credential or to petition for full licensure. The Monitoring Liaison can review these requests and make decisions on behalf of the Board. The Board has the authority to grant decision making latitude to their liaison to any degree. The specific monitoring delegations are found in the Monitoring Document attached to the agenda. If the Monitoring Liaison has a question on a request, it is advisable for the Liaison to consult further with Department staff or bring the matter to the full Board for consideration.

Professional Assistance Procedure (PAP) Liaison: PAP is a voluntary program open to credential holders with substance abuse issues who wish to seek help by being held accountable through treatment and monitoring by the Department and Board. As part of PAP, the credential holder enters into an agreement with the Department to undergo testing, counseling, or other rehabilitation. The PAP Liaison's role includes responding to credential holders' requests for modifications and terminations of provisions of the agreement. Similar to the Monitoring Liaison, the Department Monitors will send requests from credential holders to the PAP Liaison for further review.

Education and Examination Liaison: Some Boards are required by statute or rule to approve qualifying education and examinations. The Education and Examination Liaison provides guidance to Department staff to exercise authority of the Board to approve or decline examinations and educational programs. This determination requires a level of professional expertise and should be performed by a professional member of the Board. For some Boards, the Education and Examination Liaison will also be tasked with approving continuing education programs and courses.

Legislative Liaison: The Legislative Liaison is permitted to act and speak on the Board's behalf regarding pending and enacted legislation or actions being considered by the legislature outside of Board meetings. The Legislative Liaison is not the Board's designated lobbyist and should exercise their delegated authority carefully.

Travel Authorization Liaison: The Travel Authorization Liaison is authorized to approve a Board member to travel to events and speak or act on the Board's behalf between Board meetings. The Travel Authorization Liaison is called upon to make decisions when sufficient notice was not received, and the full Board could not determine a representative to travel. The Travel Authorization Liaison is tasked with making determinations if the Board appointed representative is not able to attend or if the Board becomes authorized to send additional members. As scholarship and funding streams can be unpredictable.

Communication Liaison: The Communication Liaison responds on behalf of the Board when questions arise that require a response from the Board. The Communication Liaison works with

the Department to cultivate an appropriate response. The Communication Liaison can be responsible for all types of communication on behalf of the Board. However, the Board can appoint a separate **Website Liaison** to work with DSPS staff to make changes and ensure the Board webpage contains updated and accurate information. Additionally, for the Boards that are required by statute to produce a newsletter or digest. The Board can appoint a separate **Newsletter/Digest Liaison** to assemble and approve content for those communications.

Screening Panel Members: The duties of the Screening panel are to review incoming complaints against credential holders and determine which complaints should be opened for investigation and which complaints should be closed without further action. The complexity and amount of work in this role depends substantially on your particular Board. As a member of the Screening panel you are asked to apply your professional expertise to determine if a complaint alleges unprofessional conduct.

Delegations Explanations

Credentialing Delegations

The overall purpose of credentialing delegations is to allow the credentialing process to proceed as efficiently and effectively as possible.

Delegation of Authority to Credentialing Liaison (Generic)

MOTION EXAMPLE: to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications.

PURPOSE: To permit one representative of the Board to assist Department staff with credentialing applications and eliminate the need for the entire Board to convene to consider credential application content or questions. Additionally, it is most efficient to have the designated liaison who has assisted with the credentialing process to be able to effectuate decisions which require a signature.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION EXAMPLE: to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review.

PURPOSE: To permit Department staff to efficiently issue credentials and eliminate the need for Board/Section/Liaison review when all credentialing legal requirements are met in an application.

Delegation of Authority for Predetermination Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f).

PURPOSE: In general, the Wisconsin Fair Employment Act (codified in Wis. Stat. Ch. 111) prohibits licensing agencies from discriminating against applicants because of their arrest and/or conviction record. However, there are exceptions which permit denial of a license in certain circumstances. Individuals who do not possess a license have a legal right to apply for a determination of whether they are disqualified from obtaining a license due to their conviction record. This process is called “Predetermination”. Predeterminations must be completed within 30 days. This delegation allows Department Attorneys to conduct predetermination reviews and efficiently make these legal determinations without need for Board/Section/Liaison review.

Delegation of Authority for Conviction Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice.

PURPOSE: As used here, “substantially related” is a legal standard that is used in the Wisconsin Fair Employment Act. The concept of what is “substantially related” is informed by case law. This delegation permits Department Attorneys to independently conduct conviction reviews and efficiently approve applications if convictions are not substantially related to the practice of the profession. Applications that contain conviction records that may be substantially related to the practice of a profession will still be submitted to the Credentialing Liaison for input.

Delegation to DSPS When Applicant’s History Has Been Previously Reviewed

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where Applicant’s prior discipline has been approved for a previous credential and there is no new discipline.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison for a lower-level credential.

Delegation to DSPS When Applicant’s Conviction History Has Been Previously Reviewed

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous credential and there is no new conviction record.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of conviction history that has already been reviewed and approved for a lower-level credential.

Delegation of Authority for Reciprocity Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements meet Wisconsin license requirements. (specific legal standards are referenced in the motion depending on credential/profession type).

PURPOSE: Applications via reciprocity or endorsement require comparison of Wisconsin licensing requirements to the licensing requirements of another jurisdiction. These reviews consider the legal standard for reciprocity, which varies by profession, as well as the specified legal requirements to obtain licensure in the profession. This delegation permits Department Attorneys to independently conduct reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

Delegation of Authority for Military Reciprocity Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09.

PURPOSE: The law permits service members, former service members, and their spouses to be licensed if they hold licensure in other jurisdictions that qualify them to perform acts authorized by the credential they are seeking in Wisconsin. This is a shortened path to licensure that does not require meeting the specific requirements/standards for licensure/reciprocity in a profession. By law, the Department/Board must expedite the issuance of a reciprocal license via military reciprocity. This delegation permits Department Attorneys to independently conduct military reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

Delegation of Authority for Application Denial Reviews

MOTION EXAMPLE: to delegate authority to the Department's Attorney Supervisors to serve as the Board designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential.

PURPOSE: When an application is denied, the applicant has a legal right to appeal the denial determination. Applicants must meet a specified legal standard in order to have an appeal granted. Additionally, Wisconsin law sets specific time frames for appeal decisions. This delegation permits Department Attorney Supervisors to independently review and efficiently act on requests for hearing as a result of a denial of a credential.

Delegation to Department Attorneys to Approve Duplicate Legal Issue

MOTION EXAMPLE: to delegate authority to Department Attorneys to approve a legal matter in connection with a renewal application when that same/similar matter was already addressed

by the Board and there are no new legal issues for that credential holder. Motion carried unanimously.

PURPOSE: The intent of this delegation is to be able to approve prior discipline by the Board for the renewal applicant. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison.

Monitoring Delegations

The overall purpose of monitoring delegations is to be able to enforce the Boards orders and limited licenses as efficiently and effectively as possible. Monitoring delegations have two categories: delegations to the monitoring liaison and delegations to the Department Monitor.

Delegation of Authority to Department Monitor

MOTION EXAMPLE: to delegate authority to the Department Monitor

- a. to grant full reinstatement of licensure if education is the only limitation and credential holder has submitted the required proof of course completion.
- b. to suspend the credential if the credential holder has not completed Board ordered education, paid costs, paid forfeitures, within the time specified by the Board Order.
- c. to lift a suspension when compliance with education and costs provisions have been met.

PURPOSE: These delegations allow for the Department Monitor to automatically act on requests when certain criteria are met or not met without needing to burden the Board Monitoring Liaison. The Board can set their own criteria for what actions they would like to be handled by the Department, the Monitoring Liaison and the full Board.

Delegation of Authority to Monitoring Liaison

MOTION EXAMPLE: to delegate authority to the Monitoring Liaison to approve or deny all requests received by the credential holder.

PURPOSE: These delegations allow the Board to set criteria for what decisions can be made by the Board member(s) serving as the Monitoring Liaison and what matters should be decided by the full Board. The Board has the authority to set specific criteria or to permit the liaison to make all determinations at their discretion.

Education and Exam Delegations

MOTION EXAMPLE: to delegate authority to the Education and Examination Liaison(s) to address all issues related to continuing education and examinations. Motion carried unanimously. (Differs by Board)

PURPOSE: Some Boards are responsible for approving qualifying educational programs or continuing education courses. A delegation is executed in order for a Board member to make

these determinations on behalf of the Boards and with assistance of the Department. Additionally, some Boards review examinations and individual scores to qualify for a credential.

Miscellaneous Delegations

Document Signature

MOTION EXAMPLE: to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION EXAMPLE: in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director, Board Counsel or DPD Division Administrator, the authority to sign on behalf of a Board member as necessary. Motion carried unanimously.

PURPOSE: In order to take the action approved at Board meetings, the Department may need to draft correspondence and/or Orders after the meetings have adjourned. These actions then need to be signed by a Board Member. This interaction usually takes place over email and a Board member can authorize the use of his/her signature that is kept on file.

Urgent Matters

MOTION EXAMPLE: in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving Board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

PURPOSE: Allows for quick responses to urgent matters that may need Board approval or for which the Department requires guidance from the Board.

Delegation to Chief Legal Counsel

Due to Loss of Quorum

MOTION EXAMPLE: to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

PURPOSE: Sometimes Boards can struggle to meet quorum necessary to conduct business. This happens for a multitude of reasons but this delegation allows for the Boards to have disciplinary cases decided by Chief Legal Counsel if the Board fails to meet quorum for two consecutive meetings.

Stipulated Resolutions

MOTION EXAMPLE: to delegate to the Department's Chief Legal Counsel (CLC) the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

PURPOSE: For matters of public safety, it may be necessary to take immediate action on a stipulated agreement rather than allowing a credential holder to continue practicing unencumbered until the next scheduled meeting. This delegation allows CLC to act on behalf of the Board when there is a stipulated agreement. A stipulated agreement is an agreement to which all relevant parties have consented to the terms.

Voluntary Surrenders

MOTION: to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter.

MOTION: to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19.

PURPOSE: Credential holders can ask the Boards to surrender their credentials at any time. These delegations are in place for the different situations that arise from those requests. If a credential holder is seeking to surrender their credential because they wish to leave the profession that can be processed with this delegation by the Department if they have no pending disciplinary complaints. If the credential holder wishes to surrender while they have a pending disciplinary complaint that request is reviewed by the individual Board member assigned to the case.

DLSC Pre-screening

MOTION EXAMPLE: to delegate pre-screening decision making authority to the DSPS screening attorney for opening cases where the credential holder has failed to respond to allegations contained in the complaint when requested by intake (Case will be opened on failure to respond and the merits of the complaint).

PURPOSE: Pre-Screening delegations exist so the Board can define specific parameters where the Department can review disciplinary complaints and open those cases if they meet certain criteria. Boards also have the authority to set certain criteria that would allow the Department to review and close a case if the criteria is met.

Roles and Authorities Delegated for Monitoring

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors (“Monitor”) to enforce Board/Section orders as explained below.

Authorities Delegated to the Monitoring Liaison

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

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/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The 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/Section order. 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. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/disciplinary/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain written authorization from the Liaison to sign on their behalf.
6. Grant or deny a request to appear before the Board/Section in closed session.
7. The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
8. Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review. (Except PHM, MED)

9. Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.
 - a. Initial: 49 screens (including 1 hair test, if required by original order)
 - b. 1st Reduction: 36 screens (plus 1 hair test, if required by original order)
 - c. 2nd Reduction: 28 screens plus 1 hair test
 - d. 3rd Reduction: 14 screens plus 1 hair test
10. (*Dentistry only*) Ability to approve or deny all requests from a respondent.
11. The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc. (Applies only to these Boards: Dietitians, Massage/Bodywork Therapy Board, DEN, PAB, CHI, MED, RAD)
12. **The Liaison may have full authority to approve or deny a request from a Respondent that otherwise would require the approval of the full Board if the request cannot be heard and voted on due to lack of/loss of quorum.**
13. **The Liaison may have full authority to terminate any treatment ONLY upon written request from Respondent and written recommendation from Respondents treater.**

Authorities Delegated to the Department Monitor

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

1. Grant full reinstatement of licensure if education 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/Section-ordered education and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
4. Grant or deny approval when Respondent proposes treatment providers [, mentors, supervisors, etc.] unless the Order specifically requires full-Board/Section or Board designee approval. (Except for MED)
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.
6. Grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.

Authorities Delegated to Board Legal Counsel

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.
-

Updated 03/13/2023

2022 Roles & Authorities

Respiratory Care Practitioners Examining Council

2023 Delegations

Document Signature Delegations

MOTION: Chris Becker moved, seconded by Lynn Waldera, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving council member in that succession) to sign documents on behalf of the Council in order to carry out its duties. Motion carried unanimously.

MOTION: Ann Bonner moved, seconded by Chris Becker, in order to carry out duties of the Council, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving council member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Council hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a council member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Lynn Waldera moved, seconded by Chris Becker, that in order to facilitate the completion of urgent matters between meetings, the Council delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving council member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: Chris Becker moved, seconded by Lynn Waldera, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Council and to act on behalf of the Council in regard to credentialing applications or questions presented to them, including the signing of documents related to applications, except that potential denial decisions shall be referred to the Medical Examining Board for final determination. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Ann Bonner moved, seconded by Chris Becker, to delegate credentialing authority to the Department to act upon applications that meet all

credentialing statutory and regulatory requirements without Council or Council liaison review. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Lynn Waldera moved, seconded by Chris Becker, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Lynn Waldera moved, seconded by Ann Bonner, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of respiratory care. Motion carried unanimously.

Delegation of Authority for Military Reciprocity Reviews

MOTION: Ann Bonner moved, seconded by Chris Becker, to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09. Motion carried unanimously.

Education and Examination Liaison(s) Delegation

MOTION: Lynn Waldera moved, seconded by Chris Becker, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Council Member Contact Information to National Regulatory Related Bodies

MOTION: Lynn Waldera moved, seconded by Ann Bonner, to authorize the Department staff to provide national regulatory related bodies with all council member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Chris Becker moved, seconded by Ann Bonner, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving council member in that succession) to provide a brief statement or link relating to council-related business within the license renewal notice at the Council's or Council designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Lynn Waldera moved, seconded by Ann Bonner, to delegate authority to the Legislative Liaisons to speak on behalf of the Council regarding legislative matters. Motion carried unanimously.

Travel Authorization Liaison Delegation

MOTION: Chris Becker moved, seconded by Lynn Waldera, to delegate authority to the Travel Authorization Liaison to approve any council member travel to and/or participation in events germane to the council, and to designate representatives from the Council to speak and/or act on the Council's behalf at such events. Motion carried unanimously.

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

AGENDA REQUEST FORM

| | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 1) Name and title of person submitting the request: Chris Becker, RCP Council Chair | | 2) Date when request submitted: 1/25/24 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting | |
| 3) Name of Board, Committee, Council, Sections: Respiratory Care Practitioners Examining Council | | | |
| 4) Meeting Date: 2/13/2024 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? <Click Here to Add Title> | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session | 8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if applicable: 2023 Wisconsin Assembly Bill 143, Relating to Prohibiting Statutes and Rules Examinations for Certain Professions | |
| 10) Describe the issue and action that should be addressed: Chair Becker would like to discuss Assembly Bill 143. | | | |
| 11) Authorization | | | |
| <i>Name</i> | | <i>Date</i> | |
| Signature of person making this request | | Date | |
| Supervisor (Only required for post agenda deadline items) | | Date | |
| Executive Director signature (Indicates approval for post agenda deadline items) | | Date | |
| Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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. | | | |



2023 ASSEMBLY BILL 143

April 6, 2023 - Introduced by Representatives GUSTAFSON, SORTWELL, BINSFELD, BODDEN, BROOKS, DITTRICH, GREEN, MAGNAFICI and SCHMIDT, cosponsored by Senators STAFSHOLT, MARKLEIN, STROEBEL and FELZKOWSKI. Referred to Committee on Regulatory Licensing Reform.

1 **AN ACT to amend** 448.964 (1); and **to create** 440.88 (3) (d), 441.16 (3m), 448.05
2 (6) (av), 448.964 (3), 450.04 (4) and 457.125 of the statutes; **relating to:**
3 prohibiting statutes and rules examinations for certain professions.

Analysis by the Legislative Reference Bureau

This bill prohibits the Department of Safety and Professional Services, the Board of Nursing, the Medical Examining Board, the Occupational Therapists Affiliated Credentialing Board, the Pharmacy Examining Board, and the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board from requiring an applicant to pass a statutes and rules examination as a condition of licensure or certification for all of the following professions:

1. Substance abuse counselors, clinical substance abuse counselors, and substance abuse counselors-in-training.
2. Advanced practice nurse prescribers.
3. Respiratory care practitioners.
4. Occupational therapists and occupational therapy assistants.
5. Pharmacists.
6. Professional counselors.

The bill allows DSPS and the examining and credentialing boards to require an applicant for a credential to practice any of the professions listed above to affirm that the applicant has read and understands the statutes and rules that apply to the applicant's practice.

ASSEMBLY BILL 143

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 440.88 (3) (d) of the statutes is created to read:

2 440.88 (3) (d) 1. The department may not require an applicant for certification
3 as a substance abuse counselor, clinical substance abuse counselor, or substance
4 abuse counselor-in-training to pass a statutes and rules examination as a condition
5 of receiving an initial certification or a certification renewal.

6 2. The department may require an applicant for certification as a substance
7 abuse counselor, clinical substance abuse counselor, or substance abuse
8 counselor-in-training to affirm that the applicant has read and understands the
9 statutes and rules that apply to the applicant's practice.

10 **SECTION 2.** 441.16 (3m) of the statutes is created to read:

11 441.16 (3m) (a) The board may not require an applicant for certification under
12 this section to pass a statutes and rules examination as a condition of receiving an
13 initial certification or a certification renewal.

14 (b) The board may require an applicant for certification under this section to
15 affirm that the applicant has read and understands the statutes and rules that apply
16 to the applicant's practice.

17 **SECTION 3.** 448.05 (6) (av) of the statutes is created to read:

18 448.05 (6) (av) 1. The board may not require an applicant for certification as
19 a respiratory care practitioner under s. 448.04 (1) (i) to pass a statutes and rules
20 examination as a condition of receiving an initial certification or a certification
21 renewal.

ASSEMBLY BILL 143

1 2. The board may require an applicant described under subd. 1. to affirm that
2 the applicant has read and understands the statutes and rules that apply to the
3 applicant's practice.

4 **SECTION 4.** 448.964 (1) of the statutes is amended to read:

5 448.964 (1) The Except as provided in sub. (3), the affiliated credentialing
6 board shall conduct or arrange for examinations required for occupational therapist
7 and occupational therapy assistant licensure under s. 448.963 (2) (c) and (3) (c) at
8 times and places determined by the affiliated credentialing board.

9 **SECTION 5.** 448.964 (3) of the statutes is created to read:

10 448.964 (3) (a) The affiliated credentialing board may not require an applicant
11 for a license under s. 448.963 (2) or (3) to pass a statutes and rules examination as
12 a condition of receiving an initial license or a license renewal.

13 (b) The affiliated credentialing board may require an applicant for a license
14 under s. 448.963 (2) or (3) to affirm that the applicant has read and understands the
15 statutes and rules that apply to the applicant's practice.

16 **SECTION 6.** 450.04 (4) of the statutes is created to read:

17 450.04 (4) (a) The board may not require an applicant to pass a statutes and
18 rules examination as a condition of licensure as a pharmacist.

19 (b) The board may require an applicant to affirm that the applicant has read
20 and understands the statutes and rules that apply to the applicant's practice.

21 **SECTION 7.** 457.125 of the statutes is created to read:

22 **457.125 Professional counselor statutes and rules examination. (1)**
23 The examining board may not require an applicant for a license to practice as a
24 professional counselor to pass a statutes and rules examination as a condition of
25 receiving an initial license or a license renewal.



NATE GUSTAFSON

STATE REPRESENTATIVE • 55TH ASSEMBLY DISTRICT

Wednesday, April 12, 2023

Testimony on Assembly Bill 143

Thank you Chairman Sortwell and committee members for the opportunity to testify on Assembly Bill 143.

Currently, pharmacists, occupational therapists, advanced practice nurse prescribers, and various counselors face harsh delays in licensure that impacts their ability to enter into the workforce. Part of the licensing process for these professions is a required statute and rules/jurisprudence examination. Last year, during a hearing for the Legislative Council Study Committee on Occupational Licenses, the Wisconsin Society of Respiratory Care testified that this exam is not necessary for their profession.

Since then, the Pharmacy Society of Wisconsin, Wisconsin Occupational Therapy Association, Wisconsin Nurses Association, and Wisconsin Primary Healthcare Association have all come forward and requested removal of the requirement for this statute and rules exam.

This bill would honor the requests from these groups and remove the requirement for this exam to be taken by applicants. Applicants will still need to affirm that they have read and understand the statutes and rules that apply to their practice.

Clearing up one of these redundant points along the licensure timeline will help speed up the wait times for these applicants. Allowing these aspiring professionals to obtain licensure with less delays is vital for bolstering Wisconsin's workforce.

Thank you for your consideration on Assembly Bill 143 and I hope you will all support this bill.



April 12, 2023

TO: Assembly Committee on Regulatory Licensing Reform
FROM: Mike Tierney, Legislative Liaison, Department of Safety and Professional Services
RE: Assembly Bill 143 - Prohibiting statutes and rules examinations for certain professions

Good afternoon,

Thank you for the opportunity to provide written testimony for informational purposes on Assembly Bill 143.

The bill would prohibit the department from requiring an applicant to pass a statutes and rules examination as a condition of licensure or certification for a number of professional credentials.

These examinations force applicants, outside of their training and schooling, to open and review the statutes and rules related to the credential in which they are applying to hold. This requirement is especially important for out of state applicants that received education and training elsewhere and may not be as familiar with Wisconsin's rules and laws related to their credential.

Passing the exam is not a foregone conclusion. We do have applicants on a regular basis who fail and choose to do additional research and studying before re-taking the exam.

It should also be noted the department does not schedule these exams. They are taken online anytime the applicant chooses.

An applicant, upon application submittal, is provided with the information they need to take the exam online at a time of their convenience. They can take the exam that same day, or they can take it eight months later if they choose—it is up to the applicant. When a person completes the exam, they are quickly informed if they passed. However, the department is required to receive the results directly from the vendor – not the applicant. We receive batches of exam scores twice each week and then staff either note the exam requirement as having been met or notify the applicant of the need to complete a retake. As we continue to modernize technology at the department, there may be additional automatization we may be able to build into this process.

A person who is applying for licensure as a physician assistant can be asked if amphetamines may be prescribed for the treatment of a specific diagnosis, questions pertaining to their allowed scope of practice, questions pertaining to unprofessional conduct, and questions pertaining to patient confidentiality. As patients of physician assistants may be minors, questions may also be asked to ensure that a physician assistant is aware of their being a mandated reporter of parental abuse and neglect. Social workers can also be asked questions pertaining to Chapter 51 in order to ensure that they are able to properly assist an individual experiencing a mental health crisis.

As the Secretary has noted recently, we have made substantial progress toward resolving problems with licensure. In fact, officials in Texas have reached out to the Secretary and asked to provide guidance and advice as to how we have successfully improved nurse licensure in Wisconsin. Last year, we set a significant record for the number of credentials issued in a calendar year and we are working to beat that record again this year. The goal we are now working toward is not simply to issue credentials faster than everyone else, but to make Wisconsin the best at issuing credentials to qualified, competent applicants in the least amount of time. However, we do not want to cut corners in pursuit of that goal.

At the end of the day, practitioners are responsible for abiding by the laws that govern their profession. There could be a propensity to say they can learn these laws on the job or if they sign the attestation and then violate a law, it is their own credential that may be on the line. However, if a law is violated by a practitioner, there is a potential for patient harm to have occurred - these exams play a role in helping to prevent those violations and that harm from occurring in the first place.

April 12, 2023

State Representative Shae A. Sortwell, Chairperson
Assembly Committee Regulatory Licensing Reform
Room 214 North
State Capitol
Madison, 53708

RE: Wisconsin Nurses Association Support of AB 143, Prohibiting statutes and rules examinations for certain professions.

Dear Chairperson Sortwell and members of the Assembly Committee on Regulatory Licensing Reform,

The Wisconsin Nurses Association, the association with membership open to any Registered Nurse and Advanced Practice Nurse in Wisconsin thanks you for conducting a public hearing on AB 143. AB 143 and the companion bill SB 160 will remove the requirement for a jurisprudence examination as part of an Advanced Practice Nurse Prescriber (APNP) obtaining a certificate to prescribe.

Wisconsin Board of Nursing Administrative Code N8.03(5) was adopted in 1995 as part of the enactment of the 1993 State Statute Ch. 441.16, prescriptive authority for advanced practice nurse prescribers (APNP). WNA does not see the removal of N8.03(5) as creating a threat to patient care or safety. The jurisprudence exam is an open book test that focus on related Wisconsin state statutes that address APNP certification and practice. The laws and regulations that govern APNP practice is required, taught and tested in advanced practice nurse educational nursing programs.

The testing of APNP candidates' knowledge of the laws and regulations related to their practice is redundant as it found in their nursing education curricula and therefore not necessary. The removal of the examination will support addressing the activities and tasks that are part of the Wisconsin Department of Safety and Professional Services responsibilities.

It is for these reasons that WNA supports AB 143 and SB 160. We request that this bill be voted out of the Committee as soon as possible.

Sincerely,



Gina Dennik-Champion, MSN, RN, MSHA
WNA Executive Director



Wisconsin Society for Respiratory Care

Date: April 12, 2023

To: Members of the WI State Legislature

From: Sarah Brundidge, Past-President, WSRC

Kristine Ostrander, Legislative Co-Chair, WSRC; Director of Respiratory Care

Franz Schuttenhelm, President, WSRC; Program Director and Instructor of Respiratory Care, Western Technical College

RE: Support Assembly Bill 143 - Relating to Rules and Statutes Exams

Thank you for your consideration in addressing/removing unnecessary and nongermane respiratory care licensure requirements. The Wisconsin Society for Respiratory Care (WSRC) is grateful for the historically collaborative relationship we have had with the DSPS and hope the State Legislature will work with the WSRC to address unnecessary and harmful delays affecting licensing and credentialing in Wisconsin's respiratory care workforce.

It has been well documented that there are issues and delays with professional license applications being processed in a timely manner in Wisconsin. We, as representatives of the WSRC and all those seeking to practice respiratory care in Wisconsin, believe LRB 2415/2423 would improve and streamline the licensure process and afford DSPS licensing staff the opportunity to focus on other licensing responsibilities.

In part, LRB 2415/2423 would amend Chapter 448 of the state statutes to eliminate/address the Rules and Statutes Exam requirement found in Med 20.04 (2) that requires Respiratory Care Practitioners (RCP) to complete and pass the Rules and Statutes Exam.

It is evident to RCPs and Wisconsin employers of RCPs, the rules and statutes exam required in Chapter 448 of state statutes is NOT a direct indicator of one's aptitude or proficiency in providing respiratory care in a healthcare setting. According to the DSPS, *"The purpose of the exam is to familiarize yourself with locating and interpreting the statutes and administrative code that regulate the practice of the profession in which you seek licensure."*

An exam administered by the DSPS covering "rules & statutes" does not determine an individual's "fitness" or ability to provide quality and highly technical healthcare. There are several healthcare professions that are NOT required to complete a Rules and Statutes Exam - nursing, clinical dieticians, and anesthesiology assistants to name a few. However, healthcare practitioners like RCPs, pharmacists, and occupational therapists are required to successfully pass a rules and statutes exam. The requirement to successfully complete a Rules and Statutes Exam is patchwork regulation that discriminates against specific healthcare professionals in Wisconsin.

A: P.O. Box 26005 | Milwaukee, WI 53226

E: email@wsrc.online

WWW.WSRC.online





The licensing and licensing process for RCPs in Wisconsin is overregulated and DSPS licensing regulation of RCPs (specifically Med 20.04 (2)) are an outlier when compared to other healthcare fields in Wisconsin **and the licensing requirements of RCPs in neighboring states**. See below.

Comparing Neighboring States' Processes

| Minnesota | Illinois | Iowa | Michigan | Wisconsin |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> 1. Verification of successful completion of an approved accredited education program. 2. Verification of successful completion of the NBRC or CSRT exam | <ol style="list-style-type: none"> 1. Verification of approved RT program 2. Verification of successful completion NBRC exam | <ol style="list-style-type: none"> 1. Verification of successful completion of NBRC exam 2. Background check including fingerprint card | <ol style="list-style-type: none"> 1. Verification of successful completion of an approved RT program 2. Verification of successful completion NBRC exam 3. Complete Human Trafficking training | <ol style="list-style-type: none"> 1. Verification of successful completion of an approved RT program 2. Verification of successful completion NBRC exam 3. Completion & submission of Honesty Expectations Agreement 4. Completion & passage of Rules and Statutes Examination |
| Cost \$223.25 | Cost \$100 | Cost \$75 + \$55 for background check | Cost \$183.30 | Cost \$60 + \$75 examination fee |
| CE 24 credits every 24 months | CE 24 credits every 24 months | CE 24 credits; 12 of which must be with live instructor | CE None managed by the state | CE None managed by the state |

On behalf of the WSRC we respectfully request your commitment to our profession and the quality care currently being provided by our members by co-sponsoring LRB 2415/2423. If you have questions or would like further information, please contact George Klaetsch at gklaetsch@kpasllc.com

A: P.O. Box 26005 | Milwaukee, WI 53226

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DATE: April 12, 2023

TO: Members, Assembly Committee on Regulatory Licensing Reform

FROM: Danielle Womack, Vice President of Public Affairs
Pharmacy Society of Wisconsin

SUBJECT: Support for Assembly Bill 143

Thank you for the opportunity to provide testimony supporting Assembly Bill 143, which eliminates certain professions' statutes and rules examination requirements. On behalf of the Pharmacy Society of Wisconsin, I would like to share support for this legislation and the elimination of the law exam as a condition of pharmacist licensure in Wisconsin.

Under current law, to be licensed as a pharmacist in Wisconsin, pharmacy school graduates must pass an examination (called the Multistate Pharmacy Jurisprudence Examination, or MPJE) specific to laws regulating pharmacy practice. This exam focuses on state and federal laws and regulations relating to pharmacy practice. The exam was designed to measure competency at a point in time, but as pharmacy practice has changed, laws have changed and will continue to change during an individual's career; the exam no longer serves a valuable purpose and only serves to delay licensing of an in-demand healthcare workforce.

During the pandemic, out-of-state pharmacists did not need to pass the MPJE to get a temporary license in Wisconsin. We did not see law or regulation violations in this group.

We support eliminating this exam as a condition of licensure. All accredited pharmacy school graduates must learn and demonstrate competency in pharmacy law as part of their degree program; a state-mandated exam is redundant. Additionally, as state and federal laws change, pharmacists are not required to complete any ongoing legal education or examination. Given this dichotomy, a pharmacist who graduates is not required to complete education or assess their knowledge of pharmacy practice law except at the time of licensure.

We have heard some concerns about not requiring the MPJE and whether or not the workforce will be unprepared to follow the laws relating to pharmacy practice. However, it is critical to note that to graduate from an accredited pharmacy school, students must pass a law course that covers state and federal laws. This course includes assessments of the graduates' knowledge of relevant laws and regulations.

Under the current requirements, graduates take an exam once – at the time of licensure – and are then expected to keep up with law changes. They are never retested on their knowledge of law updates, yet we do not see an inordinate number of law violations. Pharmacists understand it is their professional responsibility – and their license depends upon – staying up-to-date on and following relevant laws and regulations. At least four other states do not require the MPJE, yet pharmacy practice continues to occur safely in these states.

Pharmacists know their license depends on them following the laws, regardless of whether they have passed an exam at the time of licensure.

Eliminating the MPJE will make it easier for pharmacists to practice across state lines, promotes more telepharmacy services, and expedites licensure. **We support eliminating the requirement to pass the MPJE, as it provides a barrier to licensure that is not outweighed by the benefits of the exam.**

If you have any questions, please do not hesitate to contact me at dwomack@pswi.org or 608-827-9200.

April 12, 2023

RE: Support of Assembly Bill 143

Dear Assembly Representatives:

I want to request your support of *Assembly Bill 143, on prohibiting statutes and rules examinations for certain professions (including Pharmacists)*. I am proud to say that I have been a pharmacist for the past 34 years, with pharmacist licenses in (AZ, IL, and WI). So, I know all too well the bureaucracy associated with taking pharmacy jurisprudence/law exams (aka MPJE) and maintaining pharmacist licenses in good standing.

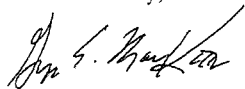
I write this letter requesting your support of this new legislation, that would prohibit the Department of Safety and Professional Services (DSPS) and respective boards (including Pharmacy Examining Board) from requiring an applicant to pass a statutes and rules examination as a condition of licensure or certification. Note, pharmacists take the North American Pharmacist Licensure (NAPLEX) for licensure. Rationale for the elimination of such law exams is as follows:

- There have been numerous delays in DSPS processing the applications related to pharmacist licensures thus delaying entrance into the workforce where there are ever-present shortages of healthcare providers.
- Applicants have had to travel outside Wisconsin to find testing centers, thus incurring delays and additional costs to their licensure, not to mention the forgone tax revenue from a higher wage earner with such delays.
- Several states are moving to a simple attestation that declares that practicing pharmacists will abide by the laws of the state. Placing the burden on each pharmacist to know and follow the laws of the state in which they are practicing, similar to medicine and other health professions approach state-related practice laws.
- Pharmacy law is a required part of all Doctor of Pharmacy (PharmD) curriculum. Schools are responsible for ensuring that students know the law (as well as other pertinent topics) before beginning clinical rotations.
- PharmD graduates have practiced in multiple pharmacy practice settings (hospitals, community-located primary care pharmacy, long-term care, etc.) under the supervision of registered pharmacists for at least approximately one year through rotations where they are engaged in the legal dispensing of medications and complying with additional regulatory requirements and contemporary pharmacy practice.
- During the COVID-19 pandemic, jurisprudence/law exams were waived, thus pharmacists and student pharmacists provided pharmacy services across state lines increasing access to care. Barriers to working across state lines interfere with the delivery of care in contemporary models, such as telehealth and telepharmacy.
- To my knowledge, there have not been any incidences related to an out-of-state pharmacist intentionally practicing in violation of a given state's laws during the pandemic.

With current healthcare workforce demands in all areas of Wisconsin, we need to reduce barriers to pharmacists and other healthcare providers from practicing. Furthermore, leveraging the role of the third largest number of healthcare providers (i.e., pharmacists) is essential to the health and welfare of all communities, allowing us to close the gap on patient access and bring greater affordability to healthcare costs from urban, to suburban to rural, from Kenosha to Salem to Prentice. Pharmacists are indeed a part of rebalancing the healthcare equation and our community-located primary care pharmacies are "front doors to healthcare," but we need not have more layers of bureaucracy to practice.

As Dean of the School of Pharmacy at the Medical College of Wisconsin (MCW) in Milwaukee, I have in part led a national effort to remove such jurisprudence examinations from pharmacist licensure with the American Association of Colleges of Pharmacy, where I am the incoming Council of Deans Chair-elect. Thank you again for your time.

Professionally,



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