

# 11hr\_SC-LPSUA\_CRule\_11-011\_pt01



(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2011-12

(session year)

### Senate

(Assembly, Senate or Joint)

### Committee on ... Labor, Public Safety, and Urban Affairs (SC-LPSUA)

### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Mike Barman (LRB) (July/2012)

Note:

File did not

include a RCP

**Vote Record**  
**Committee on Labor, Public Safety, and Urban Affairs**

Date: 11/29/11

Moved by: Wanggaard

Seconded by: Grothman

AB \_\_\_\_\_

SB \_\_\_\_\_

Clearinghouse Rule 11-011

AJR \_\_\_\_\_

SJR \_\_\_\_\_

Appointment \_\_\_\_\_

AR \_\_\_\_\_

SR \_\_\_\_\_

Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_

A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:

*objection in part (to C.E.)*

- Passage     ~~Adoption~~     Confirmation     Concurrence     Indefinite Postponement  
 Introduction     Rejection     Tabling     Nonconcurrence

Committee Member

**Senator Van Wanggaard, Chair**

Aye    No    Absent    Not Voting

**Senator Glenn Grothman**

**Senator Mary Lazich**

**Senator Robert Wirch**

**Senator Jessica King**

**Totals:**

3-2    \_\_\_\_\_    \_\_\_\_\_

Motion Carried

Motion Failed





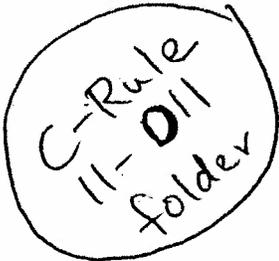
**STATE OF WISCONSIN**  
Department of Regulation & Licensing

1400 E Washington Ave  
PO Box 8935  
Madison WI 53708-8935

**Governor Scott Walker      Secretary Dave Ross**

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## **Testimony of DRL Executive Assistant John Murray on Continuing Education Rulemaking**

**April 4, 2011 meeting of the Barbering and  
Cosmetology Examining Board**

- Good morning Madam Chair and members of the barbering and cosmetology examining board.

On behalf of Secretary Ross and the department leadership, I want to thank you for allowing me a bit of your time today to discuss the issue of continuing education for barbers and cosmetologists.

The permanent rule before you is the result of a significant amount of hard work on the part of this board, DRL staff and numerous public and private stakeholders.

As you know, the emergency rule currently in effect requires licensees to obtain 6 continuing education credits to renew their license for the 2009-2011 renewal period that ended March 31, 2011.

Last week, DRL credentialing staff came to the agency leadership with a recommendation to grant an extension to licensees who had not completed their required CE. This extension was approved and licensees have until April 30<sup>th</sup> to complete their renewal requirements and submit their application without the imposition of a late fee.

The large number of licensees who had not completed their required CE is instructive. It indicates that licensees, despite the enormous efforts of this board and DRL staff to communicate the new requirements to them, have still not fully embraced this new requirement.

This issue has also generated a significant amount of feedback from licensees, the general public and members of the legislature.

Now any time a new requirement is asked of our licensees, whether it is a new continuing education requirement, a workforce survey or a higher renewal fee, it invariably raises concerns and increases feedback.

But given the compressed time frame in which the current rule was implemented, the amount of confusion and feedback on the part of licensees and some very specific concerns raised by members of the legislature, this board may want to consider making some changes to the rule that would better allow for it to achieve its intended results.

On behalf of Secretary Ross, I respectfully ask that you consider approving the rule before you with two changes.

The first change would be to delay the effective date of the rule until April 1, 2013.

Secondly, amend the rule to say that effective with the renewal cycle starting on April 1, 2013, licensees would be required to complete 6 CE credits instead of the proposed 12.

These changes would allow the board, agency staff, licensees and other stakeholders adequate time to more fully evaluate continuing education requirements for barbers and cosmetologists

Issues such as what is the right amount of CE credits to ensure proper safety and sanitation practices in licensed establishments? How should those credits be allocated between safety/sanitation, law and other curriculum that enhances their practice and increases their economic viability as small businesses?

Secretary Ross and department leadership stands ready to support you in your efforts to evaluate these issues and bring forward a thoughtful set of recommendations that could be implemented for the 2013-2015 renewal cycle.

I thank you for your service to this board and for your consideration today. I would be happy to answer any questions.





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**Governor Scott Walker      Secretary Dave Ross**

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April 13, 2011

CRule  
11-011  
folder

Dear Barbering and Cosmetology Licensee:

I am writing to you on behalf of the Department of Regulation and Licensing (DRL) and the Barbering and Cosmetology Examining Board to inform you of some import changes in the Continuing Education (CE) requirement for your profession.

The administrative rule, which was adopted last year, creating the CE requirement is being revised. The proposed new rule would reduce the CE requirement for future license renewals (beginning in April 2015) to six hours from the 12 hours that were originally mandated.

The Board and DRL are also proposing that there be **NO CE requirement for the April 2013 renewal**, meaning you would not have to take any classes during the next two years (April 2011-March 2013). If you have not yet renewed your license this year, you will need to complete the previously mandated six hours of CE.

These changes are being proposed to balance the need for continuing education in your profession with the other demands for time and resources you face as small business people. Governor Walker has committed to fostering a more positive business climate and creating 250,000 new jobs in Wisconsin. Taking a responsible approach to CE in your profession is one way we can support this important goal.

**We encourage you to visit our website at [www.drl.wi.gov](http://www.drl.wi.gov) frequently for further information on CE for your profession.** Thanks for all the hard work you do and for your contributions to our economy.

Sincerely,

Dave Ross  
Secretary





**Van H. Wanggaard**  
Wisconsin State Senator

TO: Senator Robert Wirch  
Member, Senate Committee on Labor, Public Safety, and Urban Affairs

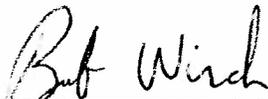
FROM: Senator Van Wanggaard, Chair

DATE: June 30, 2011

SUBJECT: Ballot for Clearinghouse Rule 11-011

Please review the motion(s) and indicate your approval by signing your name, inserting the date, and circling "Aye" or "No" below. If this ballot is not returned to Senator Wanggaard's office in Room 319 South by Thursday, June 30, 2011 at 3:00 pm, you will be designated as not voting. Thank you.

[MOTION] To ask the Barbering and Cosmetology Examining Board to agree in writing by 12:00 pm on July 8, 2011, to consider making modifications to CHR 11-011 and, if the Board has not responded or does not agree to consider making modifications, the committee objects to CHR 11-011 as being arbitrary and capricious and imposing of an undue hardship. [s. 227.19 (4) (b) 2. and 227.19 (4) (d) 6., Stats.]

  
\_\_\_\_\_  
Senator Robert Wirch

6/30/11  
\_\_\_\_\_  
Date

AYE

NO

Serving Racine County - Senate District 21



# Van H. Wanggaard

Wisconsin State Senator

TO: Senator Van Wanggaard  
Member, Senate Committee on Labor, Public Safety, and Urban Affairs

FROM: Senator Van Wanggaard, Chair

DATE: June 30, 2011

SUBJECT: Ballot for Clearinghouse Rule 11-011

Please review the motion(s) and indicate your approval by signing your name, inserting the date, and circling "Aye" or "No" below. If this ballot is not returned to Senator Wanggaard's office in Room 319 South by Thursday, June 30, 2011 at 3:00 pm, you will be designated as not voting. Thank you.

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Senator Van Wanggaard

Date

6-30-2011

AYE

NO

Serving Racine County - Senate District 21



# Van H. Wanggaard

Wisconsin State Senator

TO: Senator Glenn Grothman  
Member, Senate Committee on Labor, Public Safety, and Urban Affairs

FROM: Senator Van Wanggaard, Chair

DATE: June 30, 2011

SUBJECT: Ballot for Clearinghouse Rule 11-011

Please review the motion(s) and indicate your approval by signing your name, inserting the date, and circling "Aye" or "No" below. If this ballot is not returned to Senator Wanggaard's office in Room 319 South by Thursday, June 30, 2011 at 3:00 pm, you will be designated as not voting. Thank you.

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*Glenn Grothman*

6/30/11

\_\_\_\_\_  
Senator Glenn Grothman

\_\_\_\_\_  
Date

AYE

NO

Serving Racine County - Senate District 21





**Van H. Wanggaard**  
Wisconsin State Senator

TO: Senator Spencer Coggs  
Member, Senate Committee on Labor, Public Safety, and Urban Affairs

FROM: Senator Van Wanggaard, Chair

DATE: June 30, 2011

SUBJECT: Ballot for Clearinghouse Rule 11-011

Please review the motion(s) and indicate your approval by signing your name, inserting the date, and circling "Aye" or "No" below. If this ballot is not returned to Senator Wanggaard's office in Room 319 South by Thursday, June 30, 2011 at 3:00 pm, you will be designated as not voting. Thank you.

**[MOTION]** To ask the Barbering and Cosmetology Examining Board to agree in writing by 12:00 pm on July 8, 2011, to consider making modifications to CHR 11-011 and, if the Board has not responded or does not agree to consider making modifications, the committee objects to CHR 11-011 as being arbitrary and capricious and imposing of an undue hardship. [s. 227.19 (4) (b) 2. and 227.19 (4) (d) 6., Stats.]

  
Senator Spencer Coggs

6-30-11  
Date

AYE  NO

Serving Racine County - Senate District 21





**STATE OF WISCONSIN**  
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July 7, 2011

Senator Van H. Wanggaard  
Chair, Committee on Labor, Public Safety and Urban Affairs  
State Capitol  
PO Box 7882  
Madison, WI 53707

Re: Clearinghouse Rule 11-011 relating to continuing education

Dear Chairman Wanggaard:

A special meeting of the Barbering & Cosmetology Examining Board was held today to discuss your committee's request for the Board to agree in writing to consider making modifications to CHR 11-011.

During the meeting, the Board reiterated its strong commitment to continuing education and, as such, made the following motion: "to agree to consider making modifications to Clearinghouse Rule 11-011," which carried unanimously.

The Board welcomes this opportunity to work with you.

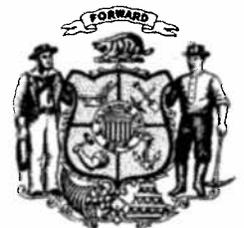
Regards,

John Murray  
Executive Assistant

cc: Janice Boeck, Chair of the Barbering & Cosmetology Examining Board  
Denise Aviles, Bureau Director  
Yolanda McGowan, Board Legal Counsel



# WISCONSIN STATE LEGISLATURE





## STATE OF WISCONSIN

Department of Safety and Professional Services  
1400 E Washington Ave.  
Madison WI 53703

**Governor Scott Walker**      **Secretary Dave Ross**

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September 27, 2011

Senator Van H. Wanggaard  
Chair, Committee on Labor, Public Safety and Urban Affairs  
State Capitol  
PO Box 7882  
Madison, WI 53707

Re: **Clearinghouse Rule 11-011** relating to continuing education

Dear Chairman Wanggaard:

This correspondence serves as a response to your most recent letter to Secretary Ross regarding the Committee members' thoughts pertaining to the rule on continuing education for the Barbering & Cosmetology profession. The Barbering & Cosmetology Examining Board met on September 12, 2011, and discussed the Committee's suggestions at length. The Board formulated the following responses, and for clarity and consistency's sake, the numbered paragraphs correspond to the numbering in your letter.

1. The Board expressed its strong desire to maintain continuing education requirements for this profession. Several board members shared their experiences since being on the board and their knowledge of instances where the public has been seriously harmed, primarily due to a failure to utilize proper safety and sanitation measures. Based upon that, as well as listening sessions held throughout the state where the public, itself, asked for Wisconsin to institute CE, and in accordance with their view that Wisconsin has always been a progressive state, the Board felt they should proactively educate professionals as to safety and sanitation issues. This was done not only for the protection of the public, but for the safety of practitioners as well.

During the meeting, the Board allowed comments from the public on this topic. Eight people spoke in favor of maintaining CE requirements. In order to answer some of the Committee's questions, the Board instructed staff to compile recent data demonstrating the violation trends in our state. Such data has been compiled and it shows, among other things, that in 2011 alone 65% of the inspections completed involved a sanitation and/or safety issue. Also in 2011, 49% of the complaints deemed sufficient to open dealt with safety and sanitation issues. Department staff is available to provide a more detailed summary of the statistical data.

2. The Board, via a unanimous motion made on the record, confirmed its support for legislation creating a separate barber license. The Board however, would not favor separating this profession from the Barbering and Cosmetology umbrella.

3. The Board agrees with the Committee that twelve hours of continuing education can be viewed as excessive. Given that safety and sanitation violations are the Board's main concern, the Board proposes reducing that number to (5) CE credit hours for all Barbering & Cosmetology licensees, with the breakdown of the credits as follows: (3) credits of safety/sanitation coursework and (2) credits of coursework in the law. The Board reasoned that to practice properly, licensees must know the laws and rules that govern the profession. And, as it is the Board's intent to completely update and revise their codebook over the course of the next few years, the law piece will be all the more important.
4. The Board opposed the notion of offering a "non-practicing or inactive" license status via a formal motion made on the record. The Board reasoned that such a provision will serve to promote unlicensed practice, thereby increasing the risk of harm to the public, which directly contradicts the Board's mission of public protection. The Board further indicated its view that any person purchasing and utilizing professional-grade products should be well-versed in the safe and proper usage of that product. Lastly, the Board, and several professional members of the public expressed their views that a "non-practicing or inactive" license category would diminish the profession.

As an aside, it appears from the majority of the commentary received on this issue that the impetus from the profession for such a provision is to allow non-practicing licensees the opportunity to buy professional-grade products with a discount. It is important to note that neither the Board nor the Department prohibits or restricts the discounted purchase of professional-grade products by anyone.

5. Given the Board's desire to reduce the number of violations it acts upon annually, thereby reducing the risk of harm to the public, the Board agrees that keeping licensees and the public informed are vital. In that regard, the Board wishes to create a regulatory digest to be made available as a PDF document on the Department's website, as it had done in the past. It's the Board's intention that the digest will have updates as to safety and sanitation issues arising in the field, although realistically speaking the Department may only be able to produce such digest semi-annually. The Board believes that this will be a good complement to, not a replacement for, mandatory continuing education requirements.

On behalf of the Board, I thank this Honorable Committee for allowing the Board to share its views. We expect to submit to the Committee a modified rule draft consistent with what has been outlined here in the coming days. In the meantime, if I can further assist you in any way, please contact me.

Regards,



John Murray  
Executive Assistant

Cc: Janice Boeck, Chair of the Barbering & Cosmetology Examining Board  
Denise Aviles, Bureau Director  
Yolanda McGowan, Board Legal Counsel