

# STATEMENT OF SCOPE

## Department of Safety and Professional Services

**Rule No.:** SPS 6 and 8

**Relating to:** Uniform disciplinary procedures for the department and all affiliated credentialing boards.

**Rule Type:** Permanent

### 1. Finding/nature of emergency (Emergency Rule only):

Not applicable.

### 2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to revise chs. SPS 6 and 8 relating to uniform disciplinary procedures for the department and all affiliated credentialing boards to bring the rules relating to summary suspensions of credentials and administrative warnings into conformity with statutory requirements; and to ensure the code is otherwise in conformity with current drafting standards.

### 3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Chapter SPS 6 provides a uniform process to be used by the department and affiliated credentialing boards in issuing a summary suspension of a credential. 2017 Wisconsin Act 328 amended s. 448.02, Stats., to allow for summary limitation of a credential in addition to summary suspension.

Chapter SPS 8 provides a uniform process to be used by the department and affiliated credentialing boards in issuing administrative warnings. 2017 Wisconsin Act 328 amended s. 440.205, Stats., to allow an administrative warning for minor violations, regardless of whether it is a first occurrence.

The purpose of this rule is to amend ch. SPS 6 to provide for summary limitation of credentials, and to amend ch. SPS 8 to remove the requirement that the complaint involve a first occurrence of the violation in order to be eligible to receive an administrative warning in lieu of other discipline.

Not updating the administrative code to resolve these issues would result in the rules being more restrictive, and thus out of compliance, with the relevant statutes.

### 4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 227.11 (2) (a), Stats., empowers the Department of Safety and Professional Services to promulgate rules interpreting the provisions of any statute the Department enforces or administers.

Section 440.03 (1), Stats., "The department may promulgate rules defining uniform procedures to be used by the department, the real estate appraisers board, and all examining boards and affiliated credentialing boards attached to the department or an examining board, for receiving, filing and investigating complaints, for commencing disciplinary proceedings and for conducting hearings."

**5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:**

The staff time needed to develop the rules is expected to be about 80 hours, depending on the complexity. The agency will utilize existing staff. There are no other resources necessary to develop the rules.

**6. List with description of all entities that may be affected by the proposed rule:**

All credential holders issued credentials by the department and its affiliated credentialing boards that are undergoing disciplinary proceedings, and their legal counsel.

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

There are no existing or proposed federal requirements.

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

None to minimal.

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Approved for publication:

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Department Head

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Date Submitted