

## ADMINISTRATIVE RULES

### Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected		2. Date August 29, 2019	
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Chs. SPS 6 and 8			
4. Subject Uniform disciplinary procedures for the department and affiliated credentialing boards.			
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		6. Chapter 20, Stats. Appropriations Affected	
7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget			
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)			
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s.227.137(3)(b)(1). \$0			
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
11. Policy Problem Addressed by the Rule 2017 Wisconsin Act 328 made statutory changes allowing for the use of summary limitation of credentials, as well as allowing the issuance of administrative warnings for minor violations regardless of whether the minor violation was a first offense. The uniform disciplinary rules applied by DSPS and its affiliated credentialing boards must be updated to conform to these statutory changes.			
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local government units, and individuals that may be affected by the rule. No comments were received.			
13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local government units participated in the development of the EIA.			
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.			
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefits of implementing the rule will be to bring the agency's disciplinary procedures into conformity with state statute. If the agency does not implement the rule, its disciplinary procedures will remain out of conformity with state law.			
16. Long Range Implications of Implementing the Rule			

The long range implication of implementing the rule is to ensure that the agency's disciplinary procedures are aligned with state statute.

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17. Compare With Approaches Being Used by Federal Government

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N/A

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18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

The Illinois Division of Professional Regulation of the Department of Financial and Professional Regulation has the authority “to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action as authorized in any licensing Act administered by the Department with regard to those licenses, certificates, or authorities.” (20 ILCS 2105-15 (a) (5)). There is no specific provision for summary suspension or limitation, or the issuance of administrative warnings.

Iowa:

Iowa allows a board to suspend a license “in whole or in part, order the cessation of any continuing activity, order affirmative action, or take other action within the jurisdiction of the board by emergency adjudication order.” (IAC 193-7.36). Iowa administrative code does not specifically provide for administrative warnings.

Michigan:

The Michigan Administrative Procedures Act allows for summary suspension of a license upon a finding that the public health, safety, and welfare requires emergency action. It does not specifically provide for summary limitation of a credential. (MCL 24.292 (2)). Michigan law does not expressly allow for administrative warnings.

Minnesota:

Health-related licensing boards must issue an order temporarily suspending a licensee’s authority to practice when a complaint is received and supported by probable cause to believe the regulated person has violated a statute or rule that the health-related licensing board is empowered to enforce, and continued practice by the regulated person presents an imminent risk of serious harm. (Minn. Stats. 214.077). It does not appear that other licensing boards or agencies in Minnesota have this authority, nor does it appear that administrative warnings are specifically provided for.

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19. Contact Name	20. Contact Phone Number
Jon Derenne, Administrative Rules Coordinatory	(608) 266-0955

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This document can be made available in alternate formats to individuals with disabilities upon request.

## ADMINISTRATIVE RULES

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#### ATTACHMENT A

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements

Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes      No

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