

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: SPS 31, 32, 50, 65, 71, 141, 175, 181, and 192

Relating to: Statutory changes from 2019 Wisconsin Act 143

Rule Type: Permanent Rule

1. Finding/nature of emergency: N/A

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

The objective of this rule project is to bring the existing department rules including SPS 31 and 32 Private Detectives; SPS 50 Barbers; SPS 65 Persons Providing Practical Instruction in Schools; SPS 71 Acupuncturist; SPS 141 Registered Music, Art or Dance Therapist; SPS 175 Sanitarian; SPS 181 Midwife, licensed; and SPS 192 Unarmed Combat Sports Officials into conformity with state statutes due to changes resulting from 2019 Wisconsin Act 143.

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:

Act 143 entitles service members, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members to obtain a professional credential in Wisconsin if the person resides in Wisconsin and holds a credential in good standing granted by a different jurisdiction. The license can be renewed indefinitely.

This proposed rule project will promulgate rules within several department rules as necessary to implement Act 143. The policy alternative to revising rules is to leave the existing department rules unchanged. This alternative would leave rules inconsistent with statutory provisions, creating confusion and a lack of clarity for stakeholders as to what the law is.

4. Detailed explanation of statutory authority for the rule:

Section 227.11 (2) (a), Stats. states that “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

Section 440.09 (5), Stats. states that “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

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

Approximately 200 hours.

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

Service members; former service members who were discharged within the prior four years under conditions other than dishonorable; and spouses of service members or former service members who wish to obtain a professional credential in Wisconsin (if the person resides in Wisconsin and holds a credential in good standing granted by a different jurisdiction) for the following licensed professionals: private detectives; barbering instructors; acupuncturists; registered music, dance or art therapists; sanitarians; licensed midwives; and unarmed combat sports officials.

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:

None.

8. Anticipated economic impact of implementing the rule:

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person:

Kassandra Walbrun, Administrative Rules Coordinator, DSPSAdminRules@wisconsin.gov

Approved for Publication:

Secretary

Date Submitted