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November 20, 2013

Senate Committee on Health and Human Services

9:00 AM – 201 Southeast

Chairwoman Vukmir and Members of the Committee:

I want to thank you for the opportunity to speak on behalf of AB 433/SB 345. This legislation serves to clarify the authority and responsibility of the Department of Safety and Professional Services (DSPS) and the various boards that fall under the department's jurisdiction.

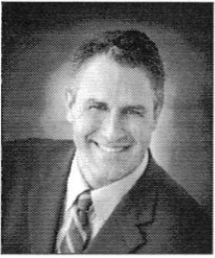
AB 433/SB 345 streamlines administrative processes for regulation and licensing of various occupations to achieve greater efficiencies and provide greater clarity for license holders and for DSPS.

Thank you again for taking the time to discuss AB 433/SB 345. I am open to any questions the committee may have.

Thank you,

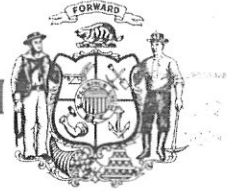
Dale P. Kooyenga

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Frank Lasee

WISCONSIN STATE SENATOR
FIRST SENATE DISTRICT



Senator Lasee's Testimony Senate Bill 345—DSPS Technical Bill

Over the course of this legislative session DSPS has been working with industries that it regulates to eliminate obsolete regulations and create new provisions that are more consistent with the current practices of those industries.

We agreed to work with DSPS to bring the language for SB 345 forward as the product of that work.

In the past, bills like these have become "Christmas Tree" bills where all sorts of interests seek to "hang" their own legislative priorities on them. Other times factions in the industries themselves are not in agreement with the changes. Not so this session. Since introducing this bill in early October, we have not been asked to add any additional provisions to the bill nor been contacted by any group that was in opposition of any of the provisions.

DSPS and the industries agree that this legislation is ready to move forward, and we appreciate the committee's support in moving SB 345 forward.



STATE OF WISCONSIN

Department of Safety and Professional Services
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Governor Scott Walker Secretary Dave Ross

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Date: Wednesday, November 20, 2013

To: Members of the Senate Committee on Health and Human Services

From: Tom Engels, Assistant Deputy Secretary, Department of Safety and Professional Services

RE: Testimony in Support of Senate Bill 345

Thank you Chair Vukmir and members of the Senate Committee on Health and Human Services for the opportunity to testify in support of Senate Bill 345. The Department of Safety and Professional Services (DPS) supports SB 345. The provisions of SB 345 have been recommended by boards and councils under the DPS. The changes will clarify provisions in current law to allow the boards the flexibility to manage the renewal of licenses, manage the prescription drug monitoring program, and make various changes related to the inspection of elevators. Additionally, the legislation changes the makeup of the cosmetology board to better reflect the practice within that profession. SB 345 would also bring Wisconsin statutes into compliance with federal laws as they relate to real estate appraisers. There are other changes I will briefly outline during my testimony, and are included in the summary items of my written testimony.

I would also like to point out that SB 345 will need to be amended in order to correct a drafting error that was discovered after the legislation was introduced. That change has been included in my testimony.

Summary of the changes in SB 345

- 1. Prescription Drug Monitoring Program (PDMP) Clean-up** – As implementation of the PDMP has progressed, staff have found the statutes governing the program need minor clarifications, as well as clean-up of outdated language. The bill creates an exemption from the PDMP for schedule V controlled substances if the substance is not a narcotic and the prescription order is for a number of doses that is intended to last the patient seven days or less. By making the seven-day change, Wisconsin PDMP law will be consistent with the PDMP laws of our surrounding states.
- 2. Pharmacist License Late Renewal** – Currently, if a pharmacist misses the deadline for license renewal, it may result in the termination of their ability to practice. This change would give the Pharmacy Examining Board the flexibility to suspend the license of a pharmacist who is not in compliance with their renewal requirements rather than having to terminate the license altogether.
- 3. Review of Pharmacist Licensure** – Allows the Pharmacy Examining Board to review, on a case-by-case basis, the license application of a pharmacist who has been licensed and disciplined in another state. Under current law, if a pharmacist's license has been voluntarily surrendered, limited, suspended, or revoked in another state, that pharmacist cannot get licensed in Wisconsin. This provision allows the Pharmacy Examining Board to use their discretion.

4. **Pharmacy Language Clean-up** – Statutes currently contain several references to the “American Council on Pharmaceutical Education,” which has been renamed to “Accreditation Council on Pharmacy Education”. This modification applies that change to the statutes. However, instead of “Pharmacy” the word “Pharmaceutical” was included in the bill and SB 345 must be amended to correct the error.
5. **Nursing School Approval Language Correction** – As currently written, the statutes suggest that the Board of Nursing “accredits” nursing schools. However, the Board actually “approves” them. Accreditation is a separate process undertaken by a different organization. Further, statutory language should be modified to say that nursing students may take the National Council Licensure Examination only if they have graduated from an “approved” school or a school that has been “authorized to admit” students. These adjustments will clear up confusion for consumers, stakeholders, and department staff.
6. **Composition of the Cosmetology Examining Board** – Under current law, only two of the nine members of the Cosmetology Examining Board may have ties to a cosmetology school. This presents a significant challenge to recruiting new board members, as many cosmetologist licensees teach part-time at these schools. This change will increase the maximum number of Board members who may have a school affiliation from two to four.
7. **Conveyance Safety Language Clean-Up** – Currently, the DSPS conveyance program is the only program that calls the conditional approval letter a “permit”. The bill seeks to change the word “permit” to “approval” in order to clear up confusion among agency staff and stakeholders.
8. **Agent Municipalities for Elevator Inspection** – The department is required to issue permits for conveyances and has granted “agent” status to two municipalities to issue these permits on behalf of the department. As this system functions well for both the department and the municipalities who have received this delegated authority, the bill seeks to codify this practice by adding “or agent municipality” to this statute so that other interested municipalities can participate.
9. **Elevator Inspector Certification** – Current law requires elevator inspectors in Wisconsin to be accredited by the American Society of Mechanical Engineers (ASME). ASME, however, will no longer be operating its QEI (Qualification of Elevator Inspectors) accreditation program and all accreditations will be withdrawn as of January 1, 2014. As a result, Wisconsin licensed elevator inspectors will no longer comply with statute. The bill deletes the ASME requirement while maintaining current state requirements in §101.985(3).
10. **Elevator Mechanics and Inspectors Continuing Education** – Eliminates the specific “one-year” timeframe to obtain the required continuing education for elevator mechanics and inspectors. The result would default to the 2-year timeframe of the credential term. Also, the bill eliminates the continuing education obligations for the elevator contractor, which is a business credential.
11. **Non-Response to a Department Investigator** – Current law is inconsistent from profession to profession on whether it is misconduct to ignore a department investigator. This provision provides that it is misconduct for any licensed professional not to respond to an investigator’s request for information within 30 days.

- 12. Professional Engineer Section Name** – Statutes are inconsistent in how they refer to the Professional Engineer Section of the Joint Examining Board of Architects, Designers, Engineers, Landscape Architects and Land Surveyors. This provision clarifies the name to the “Professional Engineer Section”.
- 13. Real Estate Language Clean-Up** – When the Real Estate Examining Board was created in 2011, language from a previous version of the statute was inadvertently left intact. This provision deletes the unnecessary language.
- 14. Fingerprinting for Real Estate Appraiser Licensure** – Federal Real Property Appraiser Qualification Criteria requiring the fingerprinting of real estate appraisers performing appraisals on federal loans (FHA, VA, HUD) was enacted as a part of the Dodd-Frank Act. Current state law prohibits the fingerprinting of most licensees – including real estate appraisers. SB 345 allows Wisconsin real estate appraisers to be fingerprinted, bringing our statutes in compliance with federal law, and allowing Wisconsin real estate appraisers to work on federal loans.
- 15. Home Inspector Continuing Education** – Under current law, home inspectors are required to take 20 hours of continuing education per year. This annual requirement is inconsistent with other two-year license professions, which generally have biennial requirements. The discrepancy has caused confusion in the industry with some inspectors receiving a total of 40 hours over two years.

Again, thank you for the opportunity to testify in support of SB 345 and I will try to address any questions that committee members may have.



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TO: Senator Leah Vukmir, Chair, and Members of the Senate Health and Human Services Committee
FROM: Gina Dennik-Champion, MSN, RN, MSHA
WNA Executive Director
DATE: November 20, 2013
RE: SB 345 – Sections related to Wisconsin State Statute 441, Board of Nursing

The Wisconsin Nurses Association (WNA) appreciates the opportunity to submit testimony on SB 345 related to the amendments offered by Senator Lasee. WNA reviewed the proposal and is particularly interested in the sections related to 441, which are sections 27 – 33, located on pages 10 – 13. WNA observed the State of Wisconsin Board of Nursing during its review process and provided informal input. WNA supports the amendments to Sections 27 – 33 as they provide conformity and clarity to the Board of Nursing’s responsibilities and authority.

We request the Senate Health and Human Services Committee support and approve the amendments to Sections 27 – 33 of SB 345.

We wish to thank Senator Vukmir for holding this hearing on SB 345. Please feel free to contact me if you have any questions or concerns.



DATE: Wednesday, November 20, 2013

TO: Members of the Senate Committee on Health and Human Services

FROM: Pharmacy Society of Wisconsin

RE: **Senate Bill 345**

Pharmacy Society of Wisconsin Position: Support with Revisions

Senate Bill 345 (SB345), contains several provisions relating to the authority and responsibilities of the Department of Safety and Professional Services and its boards, the professional licensure of pharmacists, and the Pharmacy Examining Board's (PEB) operation of the prescription drug monitoring program (PDMP), that empowers to the PEB in its licensing decisions and streamlines pharmacy workflows for PDMP requirements. The Pharmacy Society of Wisconsin (PSW) supports those provisions.

However, we have two requests for revisions that we will outline below:

1. SB345 seeks to update the name for the Accreditation Council for Pharmacy Education (ACPE), whose name changed from American Council on Pharmaceutical Education in early 2003 but hasn't yet been corrected in the Wisconsin Statutes that relate to the practice of pharmacy. SB345 incorrectly identifies ACPE as the Accreditation Council on Pharmaceutical Education. ***We request that this be corrected in SB345 to the Accreditation Council for Pharmacy Education.***
2. The 2011 Wisconsin Act 32 permits pharmacists to administer vaccines to patients aged 6 years and older. This provision did not include pharmacy students, under the supervision of a pharmacist and who have successfully completed training in vaccine administration and management, to administer vaccines to patients less than 18 years of age. This was a technical oversight when the amendment was introduced in the 2011-2013 State Budget. ***We request that SB345 language on page 15, line 2 be changed to: "under the age of 6."***

Please support Senate Bill 345 and our request for revisions at the public hearing on Wednesday, November 20, 2013. Please contact our organization for additional information.

The Pharmacy Society of Wisconsin (PSW) is a nonprofit professional association representing nearly 3400 pharmacists, pharmacy technicians, and student pharmacists in the state of Wisconsin. We seek to improve the health outcomes and well-being of patients in Wisconsin, to serve as a unified voice for our members and the practice of pharmacy, and to advance the pharmacy profession.