



Regulation of Occupations by the Department of Regulation and Licensing

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Prepared by

Darin Renner

Wisconsin Legislative Fiscal Bureau
One East Main, Suite 301
Madison, WI 53703

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Regulation of Occupations by the Department of Regulation and Licensing

Occupational regulation affects many professions in Wisconsin. A number of state agencies have some responsibilities for occupational oversight. This paper, however, deals only with the occupations and activities subject to regulation by the Department of Regulation and Licensing (DRL).

Occupational regulation under DRL falls into three categories: (a) occupations regulated by independent examining boards attached to DRL (or by affiliated credentialing boards attached to an independent examining board); (b) occupations regulated by semi-autonomous boards that share authority with DRL; and (c) occupations directly regulated by DRL. The Department also directly regulates such non-occupational entities as charitable organizations, boxing and mixed martial arts clubs, and private security persons.

The Department provides administrative, legal and enforcement services and assistance in rule making and examinations for the credentialed professions. The Department also assists the boards in developing regulatory policies that protect the broad public interest.

This informational paper describes: (a) the history of occupational credentialing in Wisconsin; (b) the types of credentials issued by DRL; (c) a brief description of the duties of professional boards, agency operations and agency services; (d) agency funding; and (e) a history of the fee setting process and its current structure. Finally, recent legislative changes in occupational regulation by DRL are highlighted.

History of Occupational Regulation

Prior to the creation of DRL, a number of independent examining boards regulated professional occupations. These examining boards set the credential requirements for the regulated profession, granted credentials, promulgated administrative rules applicable to the regulated professionals and collected credential fees. Each of these independent boards had a separate budget and directly employed staff. The first such board was the Pharmacy Examining Board, created in 1882. Over the next eight decades, through 1965, some 16 additional independent examining boards or councils were created. Then, in the mid-1960s, Wisconsin state government underwent a series of major reorganizations aimed at improving operational efficiency and responsiveness to the public.

The Kellett Commission, named after its chair, William R. Kellett, was appointed to study state government operations. Its membership consisted of eight legislators, eight business leaders appointed by the Governor, the Chief of the Legislative Reference Bureau and the Commissioner of the Department of Administration. The Kellett Commission made numerous recommendations for the reorganization of the executive branch of state government. Several of these reorganization proposals had a significant effect on the administration of occupational licensure in Wisconsin.

The Kellett Commission recommended the creation of a single Department of Regulation and Licensing to provide centralized administrative and technical services to the independent examin-

ing boards and councils existing at the time. While each board would continue the independent regulation of its own profession, the Department would assume responsibility for the direct regulation of certain professions where no examining board existed. These recommendations ultimately became law in Chapter 75, Laws of 1967.

Since 1967, subsequent legislation has further consolidated occupational regulation under DRL and has gradually transferred many administrative functions from the separate boards to the Department. In 1975, the regulation of barbering and the regulation of the funeral industry were transferred from the Department of Health and Social Services to DRL. Also in that year, DRL was first authorized to hire staff for all the boards with a few exceptions.

In 1977, a single appropriation for the expenditure of all license fee revenue was created, and budgetary authority was centralized under the Department. Legislation in 1979 authorized the Department to reorganize its staff entirely along functional lines, rather than by the boards that they served, and to eliminate the last employee positions remaining under a board's direct authority. In 2009 Wisconsin Act 28, however a second appropriation was added that effectively split the budget and staffing of the professions under the auspices of the Medical Examining Board and its affiliated credentialing boards from the remaining DRL regulated professions.

The Department currently provides centralized administrative services to 17 examining boards, six boards, and five credentialing boards. These boards are listed in Table 1.

Credentialing of Professions

The Department, boards, examining boards, and affiliated credentialing boards are created to

Table 1: Boards, Examining Boards and Affiliated Credentialing Boards

Examining Boards

- Accounting Examining Board
- Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors Examining Board
- Barbering and Cosmetology Examining Board
- Chiropractic Examining Board
- Dentistry Examining Board
- Funeral Directors Examining Board
- Geologists, Hydrologists, and Soil Scientists Examining Board
- Hearing and Speech Examining Board
- Marriage and Family Therapy, Professional Counseling and Social Work Examining Board
- Medical Examining Board (see credentialing boards below)
- Nursing Home Administrators Examining Board
- Optometry Examining Board
- Pharmacy Examining Board
- Physical Therapy Examining Board
- Psychology Examining Board
- Radiography Examining Board
- Veterinary Examining Board

Boards

- Auctioneer Board
- Cemetery Board
- Controlled Substance Board
- Board of Nursing
- Real Estate Appraisers Board
- Real Estate Board

Credentialing Boards Attached to the Medical Examining Board

- Athletic Trainers Affiliated Credentialing Board
- Dietitians Affiliated Credentialing Board
- Massage Therapy and Bodywork Therapy Affiliated Credentialing Board
- Occupational Therapists Affiliated Credentialing Board
- Podiatrists Affiliated Credentialing Board

regulate certain professions and classes of businesses identified in statute to ensure through the issuance of credentials that the public's health, safety, and welfare are adequately protected. The type of credentials issued may include licenses, certificates, registrations and permits. These types of credentials are generally differentiated by qualification requirements, the use of a professional title, and the range of activities (also known as scope of practice) that a credential holder is allowed to perform. However, because the statutes are not uniform in establishing credentialing requirements and the credential titles are often used inter-

changeably, the different types of credentials can only be defined in general terms.

Licenses are the most restrictive types of credentials. Qualification requirements usually include an examination, specialized education, and often specific work experience. Licensure restricts both the use of the regulated title and the scope of practice so that it becomes illegal for unlicensed individuals or firms to use the title or practice that profession. Physicians and nurses are examples of occupations subject to formal licensure in order to practice.

Certificates are similar to licenses. While applicants for a certificate may be required to take an exam, certificates generally serve to provide special recognition to individuals who have met predetermined qualifications for a profession. One of these qualifications may include being certified by a national professional association. Only certificate credential holders may describe themselves as certified. Examples of occupations subject to state certification are acupuncturists, respiratory care practitioners and dieticians.

Registration is the generally the least restrictive form of credentialing. In its most simple form, registration requires an individual to file his or her name and address with DRL, or the appropriate regulatory body, and pay the registration fee. Registration may also be accompanied with a restriction on the use of the title "registered" professional. For example, one must register as an interior designer in order to use the title "Wisconsin registered interior designer." However, a person may still practice interior design without registering.

Permits are another form of credential issued by DRL. However, because permits are used both as a training credential, as in the case of hearing instrument specialists, or as a primary credential, as with private security persons, permits do not easily fit on the continuum of credential types.

While the distinctions among credentials are helpful in understanding the general level of regu-

lation of occupations, the specific requirements for each profession's credential are spelled out in the statutes (and in many cases amplified by administrative rule requirements). Simply because individuals in a profession are required to register does not necessarily mean that the group is statutorily less restricted than another profession where individuals must be certified. The statutes, DRL administrative rules, and respective board requirements must be consulted to determine what each credential issuance entails.

Finally, common usage of credential terms makes reviewing the statutes imperative. For example, one might think that "registered nurses" need only register in order to practice. However, registered nurses are actually required to obtain a license because it is illegal for anyone to practice nursing in Wisconsin unless the Board of Nursing formally licenses them.

Independent Boards and the Semi-Autonomous Professional Boards

The Independent Professional Boards. Most of the professional boards are independent, unitary entities called examining boards (six are simply called boards and five are called affiliated credentialing boards). All of these boards are responsible for regulating the professions or activities under their jurisdiction. Further, except as specifically described below, all are authorized to promulgate administrative rules defining the professional standards and the regulatory policies governing the occupations or activities under their jurisdiction. In addition, within statutory limits, most of these boards determine the educational and experience requirements for obtaining an occupational or professional credential for the occupations they regulate, develop and evaluate credentialing examinations, and establish and enforce standards of professional conduct.

Not all of the independent examining boards operate as unitary boards. Such is the case with the following boards: (a) Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors Examining Board; (b) Professional Geologists, Hydrologists, and Soil Scientists Examining Board; and (c) the Marriage and Family Therapy and Professional Counseling and Social Work Examining Board. For these boards, each of the named professions has its own section, which separately reviews individual applications for credentialing and determines disciplinary actions involving credential holders in that profession. Matters of joint interest to all the professions under the overall jurisdiction of the examining board, such as qualifications and policies established by administrative rules, are set by the full examining board. Issues that affect only a specific profession are addressed by the section or sections of the examining board to which the matter is of interest.

In the case of the Medical Examining Board, four of the professions under its overall jurisdiction (podiatrists, dietitians, athletic trainers, and occupational therapists) are regulated by affiliated credentialing boards. An affiliated credentialing board is attached to an examining board to regulate a profession that either does not practice independently of a profession regulated by the examining board or practices in collaboration with a profession regulated by the examining board. The Podiatrists, Dietitians, Athletic Trainers, and Occupational Therapists Affiliated Credentialing Boards are responsible for setting standards of professional competence and conduct, reviewing the qualifications of applicants, granting credentials and taking disciplinary actions involving the professions under their jurisdiction.

Finally, some boards and examining boards are advised by examining councils comprised of members representing a profession that is regulated by the board but does not have statutory representation in the membership of the board. For example, the Medical Examining Board is comprised of nine medical doctors, one doctor of osteopathy, and

three public members. In addition to regulating doctors, the Board regulates respiratory care practitioners. The Respiratory Care Practitioners Examining Council advises the Medical Examining Board on rules concerning respiratory care. The Council consists of five members. Three of these members are certified respiratory care practitioners, one member is a physician and one member represents the public.

Appendix I lists the size, membership characteristics and types of credentials issued for each board and examining board. Appendix II provides similar information for all current affiliated credentialing boards, attached examining councils and councils serving the Department or one of the various boards.

The Semi-Autonomous Boards. Three boards (the Real Estate Board, the Real Estate Appraisers Board and the Auctioneer Board) are semi-autonomous in nature. This means that DRL, rather than any of these boards, is the entity with statutory authority to promulgate rules governing the real estate, real estate appraisal and auctioneering professions. The Department must submit proposed rules to the Board for comment, but the Department retains the rule making authority. The semi-autonomous boards retain responsibility for determining discipline in cases where a complaint has been filed against a credential holder, but the Department, with the advice of the boards, sets all other policies affecting these professions.

Board Appointment and Membership. In general, the Governor appoints board, examining board and affiliated credentialing board members to staggered, four-year terms with the advice and consent of the Senate. The one exception is the Controlled Substances Board. The Controlled Substances Board consists of the Attorney General, the Secretaries of the Departments of Health Services, and Agriculture, Trade and Consumer Protection, the chair of the Pharmacy Examining Board, all of whom serve on the Board by virtue of their office, and one psychiatrist and one pharmacologist ap-

pointed by the Governor for three-year terms.

Terms of all board members expire on July 1 and the Governor may not appoint a member to more than two consecutive terms. Board membership is governed by specific statutory criteria. In general, boards are comprised of experienced practitioners of the regulated profession and public members with no professional connection to the field being regulated. In addition, no member of any board may be an officer, director or employee of a private organization that promotes or furthers the profession or occupation regulated by the board.

The Governor also appoints, with the advice and consent of the Senate, most council and examining council members. Terms for council members range from two to four years, depending upon the council. Further, the council members are subject to the same conflict of interest and term limitation provisions that apply to board, examining board and affiliated credentialing board members.

Direct Credentialing by the Department. In addition to the professionals regulated by the examining boards, the Department directly regulates and issues credentials to some professions and activities. The occupations or activities regulated directly by the Department are: acupuncturists; art therapists; athlete agents; behavioral analysts; boxing and mixed martial arts contests; boxers (and related professions); charitable organizations; crematories; dance therapists; home inspectors; interior designers; martial arts instructors; midwives; mixed-martial arts fighters; music therapists; private detectives and detective agencies; private security persons; professional fund-raisers and fund-raising counsels; sanitarians; sign language interpreters; and substance abuse counselors, clinical supervisors, and prevention specialists.

The Secretary of DRL is authorized to grant, suspend, or revoke credentials for these occupations or activities. Further, the Secretary may promulgate administrative rules, administer and evaluate examinations, and conduct enforcement

proceedings for these regulated professions and activities. Although no formal boards or councils are permanently established to regulate these professions or activities, the Secretary may appoint advisory committees consisting of members of the directly credentialed professions to assist DRL in developing rules or studying regulatory issues of interest to the profession.

As of October, 2010, the professional boards and the Department identified 143 professional credential types in which at least one person or business held a credential. There were 356,161 credential holders, which included 27,756 initial credentials and 328,405 renewals. Appendix III shows the number of renewal (continuing) and initial credentials per profession, as of October, 2010.

Department of Regulation and Licensing Operations and Services

The Governor appoints the Secretary of DRL, with the advice and consent of the Senate. The Secretary is directed by statute to centralize the operations of the Department and the attached boards. Accordingly, the Department provides the attached boards with all staff, administrative and legal services. The allocation, disbursement and budgeting of funds received from credentialing and examination fees are also the responsibility of the Secretary. The Secretary advises the Governor and the Legislature on new programs, creates uniform procedures for disciplinary proceedings and advises the boards on policy development.

The Department is currently organized into an Office of the Secretary, an Office of Exams and four divisions: Board Services; Enforcement; Management Services; and Professional Credential Processing which includes the Office of Education Examinations.

There are currently nine unclassified employees in the agency. In addition to the Secretary, Deputy

Secretary and an Executive Assistant in the Office of the Secretary, an unclassified administrator supervises three of the agency's four divisions. Further, under ss. 230.08(2)(v) and 440.04(6) of the statutes, the Secretary may appoint up to five additional unclassified bureau directors in the agency, subject to position authorization. A bureau director may be appointed to serve concurrently as a division administrator.

The total number of full-time equivalent employees authorized for the Department in fiscal year 2010-11 is shown in Table 2.

Table 2: Organizational Structure

Office or Division	Number of Employees
Office of the Secretary	6.00
Divisions	
Board Services	17.00
Professional Credentialing	36.00
Management Services	15.50
Enforcement	<u>49.82</u>
Total	124.32

The Division of Board Services has four bureaus and is responsible for providing professional and administrative support to regulatory boards, councils, and committees. The division is also responsible for: (a) the drafting and implementation of administrative rules and policies; and (b) providing legal counsel to DRL's boards, committees and councils.

Formerly, the bureaus were divided along professions and credential types, so that bureau members worked with similar professions. Currently, however, the bureaus are made up of teams including a bureau director, legal council, paralegal and bureau assistant, and professions are divided by workload.

The Division of Professional Credentialing, is responsible for the development of credential ap-

plications and the processing of the credential requests. The Division administers the biennial renewal process for over 356,000 active credential holders.

Most new applicants will contact this Division to find background information on how to apply for a credential and to request the appropriate application materials. Applications can be as simple as completion of the appropriate form, submission of supporting documents and payment of the initial credential fee. More complex licensing may require college transcripts, proof of graduation, internships, residencies, supervised practicum review, criminal background checks, confirmation from national associations, information of previous disciplinary actions, employment verification, proof of insurance, or verification of holding a valid license in another state.

This Division includes the Office of Education and Examination, which does the following: (a) develops examinations; (b) scores examinations; (c) contracts with private agencies for the examination of credential applicants; and (d) assists boards in reviewing and approving application and continuing education requirements, including monitoring compliance.

The Division of Management Services is responsible for: (a) budget and fiscal management for DRL; (b) agency-wide information technology (internet and telephone systems); and (c) providing administrative services for DRL.

The Division of Enforcement is responsible for: (a) intake and screening of complaints against credential holders; (b) investigation and prosecution of cases in conjunction with the appropriate disciplinary authority; (c) monitoring compliance with disciplinary orders; (d) inspecting business establishments; (e) auditing of various trust accounts and financial records; and (f) administering the Professional Assistance Procedure to protect the public from credential holders who are impaired by reason of their abuse of alcohol or other drugs by promoting early detection and encouraging re-

habilitation.

In its capacity of investigating complaints, the Division receives complaints alleging improper practice by a credential holder. In cooperation with the examining boards, Division employees investigate complaints and prosecute violations through formal disciplinary hearings before the appropriate boards, when so required. The Department received 2,262 complaints in 2009-10.

Agency Funding

The Department of Regulation and Licensing is funded almost entirely from program revenues, primarily collected from examination, initial credential and renewal fees. The Legislature has approved a segregated appropriation for drug distributor surety bonds.

Ten percent of the fees collected by DRL are deposited into the state's general fund and the remaining ninety percent is credited to the agency's appropriations for general operations, examinations, and background investigation fees. In 2009-10, a total of \$2,379,200 was credited to the general fund.

Each first-time applicant must pay an initial fee when submitting application materials for an initial credential. The initial credential fee represents shared administrative costs attributable to new credential holders, such as the costs of processing applications and determining eligibility, divided among all new credential holders.

Candidates for a credential requiring an examination must pay an examination fee equal to DRL's estimated cost of preparing, administering and grading the examination or obtaining and administering an examination from a test service. Examination fees are determined separately for each type of credential and are set by rule. First-time applicants for a credential requiring an examination pay both

the initial fee and the appropriate examination fee. Candidates not taking an examination pay only the initial credential fee.

Occupational credentials are generally renewed biennially. The statutes establish a uniform renewal date for all the credential holders in each regulated profession. These renewal dates fall throughout the biennium and generate a significant portion of DRL's revenue stream.

The Department recovers the costs of background checks for security guards, private detectives, and martial arts instructors and other regulated professionals where a background check may be instituted, through the assessment of a background check fee. Other minor sources of income for DRL derive from the sale of credential lists, study guides, penalties charged for late renewal, and fees for wall certificates, reciprocal credentials and the endorsement of credential holders to other states. Table 3 shows the Department's fiscal year 2009-10 balance statement.

Table 3: Balance Statement -- Fiscal Year 2009-10

Opening Balance	\$2,342,400
Revenue	
Examination Fees	\$2,532,400
Credential Renewal Fees	19,030,200
Criminal Records Check Fees	200,700
Cost Assessments	260,700
Other Fees	4,700
Other Revenues	5,800
Nurse Surveys	10,000
Initial Credential Fees	1,679,400
Sales to the Public	<u>578,600</u>
Total Revenue Collected	\$24,302,500
Net Revenues	\$26,644,900
Costs	
Expenditures and Encumbrances	\$13,640,600
Transfers to General Fund	4,844,100
Treasury Transfers (GPR-Earned)	<u>2,379,200</u>
Net Costs	\$20,864,000
Closing Balance	\$5,780,900

History of Fee Setting Process

Development of the Fee-Setting Methodology used from the 1991-93 through the 2001-03 Biennia. In 1990, as part of a routine compliance audit, the Legislative Audit Bureau (LAB) reviewed DRL's credential fee-setting methodology. That audit found that the agency had not been gathering or monitoring financial information to determine whether it was appropriately and equitably establishing fees for the various professions, but had recently begun to develop a new system to obtain the necessary revenue and expenditure data. At the time, DRL indicated that it would begin to use the new data to better apportion the costs of regulation to specific occupations.

A follow-up audit in August, 1992, found that DRL's newly-implemented revenue and data collection systems were adequate and that the methodology used by the agency to establish renewal fees was reasonable. The audit recommended minor documentation improvements that were subsequently implemented by the Department. The fee-setting methodology in place after the follow-up audit was then used in each succeeding biennium through 2001-03 to set initial and renewal credential fees sufficient (with additional revenue collections from examinations and criminal background check fees) to support the agency's operations.

Fee-Setting Issues During 2001-03 Budget Deliberations. In the Governor's 2001-03 biennial budget recommendations for the agency, funding was proposed for a consultant to review the adequacy and appropriateness of the agency's fee-setting methodology. The Joint Committee on Finance deleted the proposed funding for the consultant and instead requested that the LAB undertake such an evaluation. The intended purpose of the audit was to ensure that the agency's fee-setting procedures were documented, represented the actual costs associated with the regulation of licensed professions, and provided adequate revenues to support

the agency's costs of operation. This audit provision was included in the 2001-03 biennial budget bill, as approved by the Legislature, but was subsequently item vetoed by the Governor.

Fee-Setting Issues During 2003-05 Budget Deliberations. As part of the 2003-05 biennial budget, the Department did not request nor did the Governor recommend any changes to initial and renewal credentials. The agency's explanation for not revising credential renewal fees at that time was that the inadequacy of the existing fee-setting methodology made it impossible to determine with any level of assurance whether any proposed fee represented a given profession's cost of regulation. In addition, since the agency's operational costs for enforcement activities were virtually identical to those incurred in the prior biennium, there seemed to be little reason to change the fees. In addition, the Department indicated that the administrative costs of implementing any fee changes could not be justified.

At that time, the agency highlighted some additional concerns with respect to the existing fee-setting methodology. It noted that the current procedure did not consider complexity, severity, and resources dedicated to a complaint when cost allocations were made. Further, complaints in the health professions were generally more costly than those in the business or direct licensing areas. Finally, enforcement costs tended to vary depending on the stage at which a complaint investigation was closed. In the agency's view, it was not clear that the fee methodology captured these types of cost differences.

Since the agency had not submitted a revised fee schedule, concerns were raised during the Joint Committee on Finance's deliberations on the Department's 2003-05 budget as to the adequacy of DRL's existing fee structure to support the agency's budgeted operating costs.

During this period, the Department contracted with Grant Thornton Consultants to review on an expedited basis the agency's fee structure and

make recommendations for possible statutory adjustments to the schedule of credential renewal fees for the 2003-05 biennium. Using the available cost data at hand, the consultant prepared a series of initial and renewal fee modifications that were presented to the Joint Committee on Finance during the final stages of its deliberations on the agency's budget.

Based on the consultant's recommendations, the Department indicated that the initial and renewal fee schedules could be revised accordingly. The agency proposed a new variable initial credential fee rather than the uniform \$53 fee. Under the proposal, initial fees would have varied from a low of \$34 to a high of \$641 per credential holder. The proposal also recommended renewal fees that would have varied between \$35 and \$985. In several cases, the proposed initial fees for a profession would have exceeded the amounts charged for a subsequent license renewal.

According to the information provided by the consultant, it had been difficult to allocate the variable costs of enforcement to the regulatory costs for each profession. This situation was attributable to the way that the agency tracked enforcement actions. The agency's time tracking procedures did not allow for consideration of the amount of time spent on each case or the complexity of the proceeding. In the absence of this actual data, the consultant attempted to calculate these costs by using: (a) detailed records where they are available; (b) interviewing supervisors to obtain best estimates of staff support time; and (c) extrapolating overall time spent per profession using partial time records.

The consultant further recommended that the Department keep more detailed records that would enable DRL to accurately calculate the actual amount of time spent on the enforcement and administration of each profession. The consultant also suggested revising the fee schedule every four years (though the fees would still be paid every two years), so that any short-term increases in enforcement-related costs for the profession could be

averaged out over a longer period of time.

Because of concerns relating to: (a) the adequacy of the agency's available cost data that could be employed in the development of any new fee schedule; and (b) the magnitude of some of the proposed fee change recommendations, the Joint Committee on Finance chose not to incorporate any of the consultant's recommendations into a revised fee schedule for the 2003-05 biennium. Instead, the Committee again included language requesting the LAB to conduct an evaluation of the methodologies used by DRL to establish initial and renewal fee levels and to report its finding by mid-2004. Language requesting the audit was ultimately enacted.

Beginning in November, 2003, the Department put in place a new spreadsheet-based timekeeping system to track the allocation of staff hours to administrative and enforcement activities relating to each regulated profession.

Fee-Setting Issues During 2005-07 Budget Deliberations. On July 13, 2004, LAB released the results of its review of the Department's fee-setting methodology that had been used in recent years to determine credential fees. Among the findings of the audit were the following:

- Even though almost all of the regulated professions had the same \$53 initial fee, some credentials require relatively more services than others to issue. For example, the Department had to review several documents, including an examination, before providing an initial credential to certified public accountants while real estate salespersons only had an application to review.
- The methodology allocated enforcement costs (used for setting renewal credential fees) based on the number of cases handled per credential type rather than accounting for the hours required to resolve each enforcement matter. As a result, comparable cost allocations were applied both to a simple case and to a complicated, drawn-out case.

- Under the methodology, 72.6% of all costs were categorized as administrative overhead and were allocated equally to all credential holders. The audit found that the agency believed that many of these overhead costs should instead be allocated to the credential holders that were receiving the specific administrative services.

- In reviewing the Grant Thornton Consultants proposal prepared during the 2003-05 biennial budget deliberations, the LAB noted that the proposal appropriately allocated more of the costs related to activities of the Divisions of Credentialing, Board Services, and Legal Counsel rather than just the costs of the Division of Enforcement. As a result, 58.2% of the agency's costs were being allocated to specific credential types rather than the 27.4% of such costs that were being allocated under the methodology then in place.

- The LAB recommended that the Department do even more in allocating costs to specific credentials by allocating some of the administrative activities of the Division of Management Services and the Office of the Secretary to specific credentials.

The LAB found that the new timekeeping model put in place by the Department in November, 2003, was an improvement over the existing methodology. The methodology in place at the time had been in use since the early 1990's, and allowed for too many costs of regulation to be spread equally across all credential types rather than being apportioned by services provided. The LAB recommended additional modifications to the new timekeeping model to improve its accuracy and precision.

While the LAB found that the new timekeeping methodology, when fully implemented over the course of a biennial license renewal cycle, would more accurately capture the costs of regulation of the specific professions (in accordance with the requirements of current law), the audit did cite some possible drawbacks to the new cost allocation procedure. These included:

- The timekeeping system was more complex (making it more difficult to explain to credential holders) and required better data keeping by the Department.

- There could be considerable fluctuations in fees for some credential types.

- Questions could be raised about the equitability of some of the possible credential fee levels. For example, under the Grant Thornton initial recommendations developed during the 2003-05 budget process, dance therapists, who earn fairly modest wages, were projected to pay a credential fee of \$161, while physicians were projected to pay \$151.

The audit offered the Legislature three possible types of options for the setting of credential fees during the 2005-07 budget process: (a) allow the credentialing fees currently enumerated in the statutes to remain unchanged until additional data has been collected under the agency's timekeeping system; (b) allow DRL to assess surcharges during the 2005-07 biennium for specific professions that agree to pay higher fees in exchange for expanded services to those professions; and (c) implement the consultant's recommendations developed during the 2003-05 biennial budget deliberations using the most complete timekeeping data available.

Under 2005 Wisconsin Act 25, the Legislature chose to maintain the 2003-05 fee levels for the 2005-07 biennium. However, the Legislature adopted a nonstatutory provision specifying that the Department would prepare 2007-09 budget recommendations based on the timekeeping data from the two most recent years. The Legislature further specified that DRL's 2009-11 recommendations would include time keeping data for the previous four years of data.

Fee-Setting Issues During 2007-09 Budget Deliberations. The Department did not submit a 2007-09 biennial budget recommendations as specified under the statutes. The Governor instead recommended that DRL set the initial and renewal fees

administratively, rather than by statute, beginning in the 2007-09 biennium. The Governor's recommendation would have specified that the fee setting process would not be subject to administrative rules procedures, but would instead require the Department to recalculate the costs related to each credential by January 31, of odd-numbered years, subject to approval by the Joint Committee on Finance.

The Legislature modified the Governor's request by specifying that the administratively set fee structure would begin with the 2009-11 biennium rather than the 2007-09 biennium. These provisions were enacted in 2007 Wisconsin Act 20. As a result, fees in existence prior to the 2007-09 biennium remained in effect until the 2009-11 biennium.

Current Fee Setting Structure

Prior to 2007 Act 20, DRL licensing fees were statutorily established. However, as a result of Act 20, beginning with license applications for the 2009-11 biennium, DRL set initial and renewal credential fees for occupational and professional credentials administratively.

Under current law, by January 31 of each odd-numbered year, DRL must recalculate the administrative and enforcement costs of each credential type and calculate the related fees for each profession. The Department must send a report to the Co-chairs of Joint Committee on Finance, within 14 days of completing the proposed fee adjustments. The Committee then has 14 working days after the submission of the report to notify the Secretary of the Department of Regulation and Licensing that the Committee has scheduled a meeting for review the proposed adjustments. If notification is not provided by the Committee within 14 days of receiving the report, the proposed fee changes will be approved. Once the fees are approved, the Department must post the fee adjustments on the

DRL Internet web site and in credential renewal notices sent to affected credential holders. Each credential is generally valid for a two-year period.

On January 30, 2009, the Department recommended modifications to the initial and credential renewal fees for the 2009-11 biennium. An objection to the proposal was received. On June 30, 2009, the Committee approved a modified fee schedule that considered DRL operations changes that were approved as part of 2009-11 biennial budget deliberations, as approved by the Legislature.

Initial Credential Fees. Under DRL's 2009-11 proposal, the initial fees were be set at \$75 for most professions. Appendix IV shows the current initial credential fees, the fees prior to the 2009-11 modifications, and the fee change. The current fee level was based on the actual costs of issuing initial credentials in fiscal years 2006-07 and 2007-08, plus the statutorily required 10% administrative fee to the general fund, and a portion of contributions to a contingency fund which the Department established. Cost items included such activities as processing applications and determining eligibility for licensure.

Credential Renewal Fees. The current renewal fees vary between \$82 and \$170 based on the costs of regulating each business or occupation. The renewal fees are based on the costs of administration, enforcement, board services, legal council, credentialing costs, and contributions to a contingency fund. In recent biennia, a portion of excess fee receipts have also been lapsed to the general fund.

Appendix V shows the current renewal credential fees, the fees prior to the 2009-11 modifications, and the fee change. The renewal fee for five new professions (radiographers, X-ray machine operators, mixed martial artists, behavioral analysts, and sign language interpreters) will be established by Department rules, beginning with the Department's biennial review for January, 2011, and reviewed by the Joint Committee on Finance.

The Department now uses time distribution data for the calculation of fees, which requires agency personnel to document the amount of time they spend on work related to each business or occupational credential.

The Department is statutorily required to credit 10% of the revenue generated from initial and credential renewal fees, from examinations fees and background investigations to the general fund. Consequently, fees must be set at a level sufficient to fund the agency's administrative and enforcement costs, net of the revenue allocations to the general fund.

Special Credential Fees

In addition to the fees that are set administratively, there are a few professional and occupational credentials that either have no fee, or have fees set in statute under DRL.

For instance, any cemetery authority that operates a cemetery that is either less than five acres in size and sells fewer than 20 cemetery lots or mausoleum spaces annually, or has less than \$100,000 in trust fund accounts, does not need a cemetery authority license, but must instead register with the Cemetery Board. This registration includes a

biennial \$10 fee.

A cemetery authority of a cemetery organized, maintained and operated by a town, village, city, church, synagogue or mosque, religious, fraternal or benevolent society or incorporated college of a religious order is not required to be licensed or registered.

In the case of boxing and mixed martial arts contests, the statutes specify annual fees for professional boxing and professional and amateur mixed martial arts contests based on the number of tickets sold. The statutes also specify annual fees for the individuals involved in the promotion, judging and participation in these contests.

In the case of a peddlers license, s. 440.51 of the statutes specifies that certain U.S. veterans be granted a free peddlers license if they have been a resident of Wisconsin for five years preceding application and are one of the following: (a) have a verified disability of at least 25%; (b) have a cardiac disability recognized by the U.S. Department of Veterans Affairs; or (c) are blind as defined by Title XVI of the Social Security Act.

The fees, as of December, 2010, for these other professions are shown in Table 4.

Table 4: Special Credential Fees

Occupation or Profession	Application Fee	Statute	Type
Boxing or Mixed Martial Arts Contest	\$300*	s. 444.02(3)	Per Contest
Boxing or Mixed Martial Arts Club or Promoter	500	s. 444.03	Annual
Boxing or Mixed Martial Arts - Managers	10	s. 444.11	Annual
Boxing or Mixed Martial Arts - Matchmakers	10	s. 444.11	Annual
Boxing or Mixed Martial Arts - Referees and Judges	15	s. 444.11	Annual
Boxing or Mixed Martial Arts - Examining Physicians	10	s. 444.11	Annual
Boxing or Mixed Martial Arts - Boxers	40	s. 444.11	Annual
Boxing or Mixed Martial Arts - Mixed Martial Arts Fighters	40	s. 444.11	Annual
Boxing or Mixed Martial Arts - Timekeepers	10	s. 444.11	Annual
Boxing or Mixed Martial Arts - Seconds	40	s. 444.11	Annual
Peddlers	No Fee	s. 440.51	NA
Registered Cemetery Authority	10	s. 440.91(1m)(b)2.	Biennial

*\$300 processing fee plus a fee ranging from a \$450 flat fee up to a fee of \$4,700 plus 5% of gross ticket sales, based on the size of the venue.

There are also several training or apprenticeship credentials. For some professions an individual may participate in an activity, usually under the supervision of an instructor or a licensed professional by obtaining an in-training or apprenticeship credential. The professions that have such a credential include engineers, professional counselors, and marriage and family therapists. Usually there is a limit to how long a person may use the training permit and individuals are assessed the standard initial credential fee (\$75). Other training permits are set by rule and are shown in Appendix IV.

Transfers to the General Fund and Other Programs

In 2007-08, DRL was required to transfer to the state's general fund \$3,602,000 in 2007-08 and \$1,702,900 in 2008-09 as part of specified (\$3,276,500 in 2007-08 and \$982,100 in 2008-09) and general (\$325,500 in 2007-08 and \$720,800 in 2008-09) Department of Administration directed lapse requirements of 2007 Wisconsin Act 20. Under 2009 Wisconsin Act 28, DRL transferred \$4,844,100 in 2009-10 as part of general agency lapse/transfer requirements directed through the Department of Administration. These transfers came from a combination of licensing and examinations fees.

New Regulations for 2009-11

Legislation passed by the 2009 Legislature resulted in the following changes to occupational and business regulations administered within the Department.

Radiographers and X-Ray Machine Operators. Under 2009 Wisconsin Act 106, the statutes limit the practice of radiography and X-ray machine operation to individuals so licensed. Act 106 specifies a renewal date of September 1, of each even-numbered year and prohibits individuals who are not licensed radiographers to represent themselves

as radiographers.

Act 106 created a Radiography Examining Board within DRL consisting of seven members appointed to four-year terms. The Radiography Examining Board must promulgate rules that establish standards for courses of study and continuing education in radiography. The Board must establish standards for examinations of radiographers and limited x-ray machine operators. The rules may permit an applicant to bypass the examination if the applicant provides evidence of holding a current registration by the American Registry of Radiologic Technicians or a successor organization or is licensed to practice radiography in another state that has examination requirements that are at least as stringent as those established by the Board.

Individuals do not have to be licensed to practice radiography, if they were one of the following: (a) a student under a Radiography Examining Board approved program and were supervised by a physician or a licensed radiographer; (b) a physician; (c) a chiropractor or a certified radiological technician; (d) a dentist, a dental hygienist, or a person who is directly supervised by a dentist; (e) a physician assistant; or (f) a podiatrist or a person supervised by a podiatrist who has successfully completed a course of instruction related to x-ray examinations.

Act 106 was effective on February 19, 2010, except that the restrictions on the practice of radiography and limited x-ray operator and the use of the title "radiographer" do not apply until March 1, 2012.

Mixed Martial Arts. Under 2009 Wisconsin Act 111, DRL may grant licenses to matchmakers, managers, referees, examining physicians, mixed martial art fighters, seconds and trainers in amateur mixed martial arts contests. Mixed martial art contestants must pay \$10 for a license.

Act 111 grants DRL sole direction, management, control of, and jurisdiction over all amateur

mixed martial arts fighting contests and specifies that an amateur mixed martial arts fighting contests may not be conducted in the state without DRL approval. Act 111 modifies professional club application fees for professional boxing and applies those fees to mixed martial arts contests so that fees would be \$200 for clubs located in cities of less than 150,000 inhabitants and \$500 in cities of greater than 150,000 inhabitants. An individual may not participate in an amateur mixed martial arts contest unless he or she can provide evidence of adequate health insurance.

Landscape Architects. Under 2009 Wisconsin Act 123, an individual must be registered as a landscape architect by the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors to practice or offer to practice landscape architecture, or to represent themselves as a landscape architect.

The Act specifies that the following would be exempted from landscape architecture licensure requirements: (a) professional services performed by a registered architect, professional engineer, or registered land surveyor; (b) planning done by a regional, park, or urban planner, or by a person participating on a planning board or commission, within the scope of that practice; (c) the practice of a natural resource professional, including a biologist, professional geologist, or professional soil scientist; (d) the actions of a person who is under the supervision of a licensed landscape architect or an employee of a licensed landscape architect, unless the person assumes responsible charge, design, or supervision; (e) work performed on property by an individual who owns or has control over the property, or work performed by a person hired by an individual who owns or has control of the property; and (f) making plans or drawings for the selection, placement, or use of plants or site features.

Martial Arts Instruction for Minors. Under 2009 Wisconsin Act 130, a person who receives a fee for providing martial arts instruction to minors must have a DRL-issued permit. A permit may not be granted to certain felons who were either convicted

of first degree intentional homicide or who are registered sex offenders. Applicants must submit to a criminal background check. Applicants must pay the standard initial application fee and renew on September 1, of each even-numbered year (renewal fees have not been established).

Behavioral Analysts. Under 2009 Wisconsin Act 282, the Legislature approved the licensure and regulation of behavior analysts. A person must be licensed by DRL to engage in the practice of behavior analysis. The practice of behavior analysis is defined as “the design, implementation, and evaluation of systematic instructional and environmental modifications to produce socially significant improvements in human behavior, including the empirical identification of functional relations between behavior and environmental factors, including interventions based on scientific research and the direct observation and measurement of behavior and environment.

Act 282 added behavior analysts to the list service providers for the treatment of autism and related conditions. Act 282 specified that the practice of behavior analysis does not include psychological testing, neuropsychology, psychotherapy, cognitive therapy, sex therapy, marriage counseling, psychoanalysis, hypnotherapy, and long-term counseling as treatment modalities.

An applicant must be certified as a behavioral analyst by the Behavior Analyst Certification Board (a private organization).

Sign Language Interpreters. Under 2009 Wisconsin Act 360, the Legislature approved the creation of a sign language licensure program and created a sign language interpreter council in DRL.

Beginning December 1, 2010, a person can no longer receive compensation of providing sign language interpretation unless they receive a license from DRL, except for the following: (a) in a court proceeding, a person who is certified by the State Supreme Court to provide such services; (b) at a school sponsored event, a person certified by the

Department of Public Instruction; (c) a person interpreting at a religious service or at a religious function; (d) a support service provider interpreting for the purpose of facilitating communication between an individual who provides interpretation services and a client of the individual; and (e) a person who provides interpretation services during an emergency, not to exceed a 24-hour period.

Chiropractor Examinations and Regulation of Technicians and Radiological Technicians. Under 2009 Wisconsin Act 28, the Legislature modified the examination requirements for chiropractors and newly required the licensing of persons acting as technicians and radiological technicians.

Act 28 specified that a chiropractor's license must include the successful completion of an examination administered by the Chiropractic Examining Board in addition to any examination required by the national board of chiropractic examiners. Previously licensed chiropractors, were not required to meet the new qualifications. The examination requirement became effective on December 1, 2010.

Act 28 created a new PR-continuing appropriation for the receipt of chiropractor's examination fees and required the Chiropractic Examining Board to assess a fee to each examinee sufficient to cover its cost of developing and administering the examination. Ten percent of these fees must be deposited into the general fund.

Act 28 created a requirement for chiropractors to determine whether a patient is treatable by chiropractic means and specified a duty to inform the patient and refer them to other medical professionals, should it be determined that chiropractic care will not benefit the patient.

Under the Act, a "chiropractic technician" was defined as an individual who has completed a course of study approved by the Chiropractic Examining Board, and who, under the direct on-premise supervision of a chiropractor, provides adjunctive services that are preparatory or com-

plementary to chiropractic adjustments including preliminary patient histories as defined by the Chiropractic Examining Board and/or physiotherapy treatment as defined by the Chiropractic Examining Board [Chir 10 of the Wisconsin Administrative Code].

A "chiropractic radiological technician" was defined as an individual who has completed a course of study approved by the Chiropractic Examining Board, and who, under the direct on-premise supervision of a chiropractor, provides x-ray examination procedures.

As of June 1, 2010, individuals may not act as or hold themselves out to be chiropractic technicians or chiropractic radiological technicians, unless the person is certified as a chiropractic technician or chiropractic radiological technician.

Every chiropractic radiological technician must complete at least 12 continuing educational credit hours in programs approved by the Chiropractic Examining Board in a manner consistent with the educational standards developed by the Chiropractic Examining Board during each two-year license registration period ending on December 14 of each odd-numbered year.

Every chiropractic technician must complete at least six continuing educational credit hours in programs approved by the Chiropractic Examining Board in a manner consistent with the educational standards developed by the Chiropractic Examining Board during each two-year license registration period ending on December 14 of each odd-numbered year.

Fees were established during the Joint Committee on Finances review of DRL's proposed 2009-11 fees so that initial credential fees are \$53 and renewal fees are \$44 for certification as a chiropractic technician or a chiropractic radiological technician.

Under the Act, chiropractors may not negate the co-payment or deductible provisions of a con-

tract of insurance or a managed care agreement by agreeing to forgive all or a portion of the patient's obligation for payment under the contract or managed care agreement unless the chiropractor reduces the chiropractor's claim to the insurance carrier in regard to that patient by an equal proportion. If a chiropractor waives all or a portion of a patient's copayment, coinsurance, or deductibles due to the chiropractor, the chiropractor may not seek payment from the insurer for any portion of that waived amount, unless the claim for the services related to the copayment, coinsurance or deductible are reduced by an equal amount. If this provision is violated, the chiropractor must refund the insurer for all payments received from the insurer on the day on which the patient's payment was waived or reduced or for the course of treatment for which the patient's payment was waived or reduced. A chiropractor may waive collection of a patient's co-payment or deductible if the chiropractor has written documentation of the individual's financial hardship. The actual fee charged by a chiropractor to a patient must be accurately re-

ported to an insurer or managed care organization. A chiropractor may provide services without charge to a patient as long as an insurer or managed care organization is not charged for the services.

Act 28 further specified that the Chiropractic Examining Board must assign an approval number to all continuing education programs approved by the board. In addition, chiropractors were required to submit the approval numbers for the courses they attend to the Board.

Finally, Act 28 specified that program sponsors (Wisconsin Chiropractic Association, American Chiropractic Association, International Chiropractors Association, a college of chiropractic approved by the Chiropractic Examining Board, or a college of medicine or osteopathy accredited by an agency recognized by the United States Department of Education) must provide the Chiropractic Examining Board with a list of attendees organized by program number.

APPENDIX I

Professional Boards and the Occupations Regulated

Board	Attached Councils or Affiliated Boards	Types of Licenses Under Board	Number of Board Members	Composition and Qualifications of Board Members	Member's Term in Office (Years)	Notes
Accounting Examining Board	None	Certified Public Accountant Public Accountant Accounting Corporations or Partnerships	7	5 certified public accountants and 2 public members.	4	
Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors Examining Board	None	Architect Architectural/Engineering Corporation Designer of Engineering Systems Engineer Landscape Architect Land Surveyor	25	3 architects, 3 landscape architects, 3 professional engineers, 3 designers, 3 land surveyors (all of the above must be licensed) and 10 public members.	4	Each profession is responsible for regulating its own profession. Each of the five sections has 3 professionals and 2 public members. Issues affecting multiple professions are decided by the entire Examining Board.
Auctioneer Board	None	Auctioneer Auction Company	7	4 licensed auctioneers or auction company representatives and 3 public members.	4	No rule-making authority. Advisory to the Department on all matters except discipline.
Cemetery Board	None	Licensed Cemetery Authority Registered Cemetery Authority Preneed Seller Cemetery Salesperson Warehouse for Cemetery Merchandise	6	4 licensed cemetery authority representatives and 2 public members	4	No member may represent a religious cemetery authority, unless that cemetery is regulated by the Board.
Barbering and Cosmetology Examining Board	None	Aesthetics Aesthetics Establishment Aesthetics Instructor Aesthetics Specialty School Barber or Cosmetologist Barber or Cosmetologist Apprentice Barber or Cosmetology Establishment Barber or Cosmetology Instructor Barber or Cosmetology Manager Barber or Cosmetology School Electrologist Electrology Establishment Electrology Instructor Electrology School Manicurist Manicuring Establishment Manicuring Instructor Manicuring School		4 licensed barbers, aestheticians, or cosmetologists, 1 representative of a private school of barbering or cosmetology, 1 representative of a public school of barbering or cosmetology, 1 licensed electrologist and 2 public members.	4	Except for the 2 members representing schools, no member may be connected with or have financial interest in a barbering or cosmetology school.

Board	Attached Councils or Affiliated Boards	Types of Licenses Under Board	Number of Board Members	Composition and Qualifications of Board Members	Member's Term in Office (Years)	Notes
Chiropractic Examining Board	None	Chiropractor Chiropractic Radiological Technician Chiropractic Technician	6	4 members, who are graduates of a school of chiropractic and licensed in the state and 2 public members without financial interest in a chiropractic school.	4	
Dentistry Examining Board	None	Dentist Dental Hygienist	11	6 licensed dentists, 3 licensed dental hygienists and 2 public members.	4	
Funeral Directors Examining Board	None	Funeral Director Funeral Establishment	6	4 licensed funeral directors and 2 public members.	4	
Geologists, Hydrologists and Soil Scientists Examining Board	None	Professional Geologist Professional Hydrologist Professional Soil Scientist Geology Firm/Corp/Partnership Hydrology Firm/Corp/Partnership Soil Scientist Firm/Corp/Partnership	12	3 licensed geologists, 3 licensed hydrologists, 3 licensed soil scientists, 3 public members.	4	Each profession is responsible for regulating its own profession. Each of the three sections has 3 professionals and 1 public member. Issues affecting multiple professions are decided by the entire Examining Board.
Hearing and Speech Examining Board	None	Audiologist Hearing Instrument Specialist Speech-Language Pathologist	10	3 licensed hearing instrument specialists, 1 otolaryngologist, 2 audiologists, 2 speech-language pathologist and 2 public members.	4	
Marriage and Family Therapy, Professional Counseling and Social Work Examining Board	None	Marriage and Family Therapist Professional Counselor Social Worker Advanced Practice Social Worker Independent Social Worker Independent Clinical Social Worker	13	3 licensed marriage and family therapists, 4 licensed social workers, 3 licensed professional counselors and 3 public members.	4	
Medical Examining Board	3 Councils and 5 Affiliated Credentialing Boards	Athletic Trainer Dietitian Occupational Therapist Occupational Therapist Assistant Perfusionist Podiatrist Physician (MD) Physician (DO) Physician Assistant Respiratory Care Practitioner	14	9 licensed medical doctors, 1 doctor of osteopathy and 3 public members. Nonvoting member: chairperson of the patient's compensation fund peer review council.	4	See Appendix II for attached council's membership and function.

Board	Attached Councils or Affiliated Boards	Types of Licenses Under Board	Number of Board Members	Composition and Qualifications of Board Members	Member's Term in Office (Years)	Notes
Nursing, Board of	2 Councils	Registered Nurse Licensed Practical Nurse Nurse-Midwife Advanced Practice Nurse Prescriber	9	5 licensed registered nurses, 2 licensed practical nurses and 2 public members. Nurse members must be graduates of accredited nursing programs.	4	See Appendix II for attached councils membership and function.
Nursing Home Administrators Examining Board	None	Nursing Home Administrator	9	5 licensed nursing home administrators, 1 physician, 1 licensed nurse and 2 public members. Nonvoting member: Secretary of Health Services or a designee.	4	No more than 2 members may be elected officials or full-time state employees.
Optometry Examining Board	None	Optometrist	7	5 licensed optometrists and 2 public members.	4	
Pharmacy Examining Board	1 Advisory Council	Pharmacist Pharmacy Drug Distributor Drug Manufacturer	7	5 licensed pharmacists and 2 public members.	4	See Appendix II for attached council membership and function.
Physical Therapy Examining Board		Physical Therapist Physical Therapist Assistant	5	3 licensed physical therapists, 1 physical therapist assistant, 1 public member	4	
Psychology Examining Board		Psychologist School Psychologist	6	4 licensed psychologists, each in a different specialty area, and 2 public members.	4	
Radiography Examining Board		Radiographer Limited X-Ray Machine Operators	7	3 licensed radiographers, 1 certified radiology physician, 1 radiologic physicist, 2 public members.	4	
Real Estate Appraisers Board		General Appraiser Residential Appraiser Licensed Appraiser	7	1 certified general appraiser, 1 certified residential appraiser, 1 licensed appraiser, 1 assessor and 3 public members.	4	No rule-making authority. Advisory to the Department on all matters except discipline.

Board	Attached Councils or Affiliated Boards	Types of Licenses Under Board	Number of Board Members	Composition and Qualifications of Board Members	Member's Term in Office (Years)	Notes
Real Estate Board		Apprentice Broker Salesperson Business Entity Time-Share Salesperson	7	4 licensed real estate brokers or salespersons and 3 public members.	4	No rule-making authority. Advisory to the Department on all matters except discipline.
Veterinary Examining Board		Veterinarian Veterinary Technician	8	5 licensed veterinarians, 1 veterinarian technician and 2 public members.	4	No member may have a financial interest in a school teaching veterinary medicine.

APPENDIX II

Attached Councils, Examining Councils and Affiliated Credentialing Boards

Board	Attached Councils/Boards	Number of Members	Member's Term in Office (Years)	Membership	Duties
Medical Examining Board	Athletic Trainers Affiliated Credentialing Board	6	4	4 licensed athletic trainers, 1 person licensed to practice medicine and surgery with athletic trainer experience, 1 public member.	Licenses athletic trainers. Develops a form for recording practice protocols. Establishes liability insurance minimums for licensees. Promulgate rules requiring proficiency in defibrillators.
	Dietitians Affiliated Credentialing Board	4	4	3 certified dietitians and 1 public member. All appointed by the Governor.	Certifies dietitians. Establishes criteria for approval of educational and training programs and code of ethics to govern the professional conduct of dietitians.
	Occupational Therapists Affiliated Credentialing Board	7	4	3 licensed occupational therapists, 2 licensed occupational therapist assistants, 2 public members	Licenses occupational therapists. Sets standards of: (a) examination requirements; (b) continuing education requirements; and (c) standards of practice and professional conduct. Define the scope of practice. Take disciplinary action against licensees.
	Podiatrists Affiliated Credentialing Board	4	4	3 licensed podiatrists and 1 public member.	Licenses podiatrists. Establishes continuing education requirements. Takes disciplinary action against licensees.
	Massage Therapy and Bodywork Therapy Affiliated Credentialing Board	7	4	6 licensed massage therapists that have engaged in the practice for at least the preceding two years, exactly one of these members must represent an approved bodywork or massage therapy school and exactly one must represent such a program offered by a state technical college, and one public member.	Licenses massage therapists and bodyworkers. Sets standards of: (a) examination requirements; (b) training program requirements; and (c) standards of practice and professional conduct.
	Physician Assistants, Council on	5	2	3 physician assistants; the Vice Chancellor for Health Sciences of the University of Wisconsin-Madison or designee, and 1 public member.	Advises the Medical Examining Board on rules for physician assistants.
	Perfusionists Examining Council	5	3	3 licensed perfusionists, 1 physician who is a cardiothoracic surgeon or a cardiovascular anesthesiologist, and 1 public member.	Advises the Medical Examining Board on rules for perfusionist.
	Respiratory Care Practitioners Examining Council	5	3	3 certified respiratory care practitioners, each with at least 3 years of experience, 1 physician, and 1 public member.	Advises examining board on rules promulgated by the Medical Examining Board related to the practice of respiratory care.
Nursing, Board of	Examining Council on Registered Nurses	4	4	4 registered nurses with 3 years of experience. All appointed by the Board of Nursing.	Advisory to the board.

Board	Attached Councils/Boards	Number of Members	Member's Term in Office (Years)	Membership	Duties
	Examining Council on Licensured Practical Nurses	5	3	3 licensed practical nurses and 2 registered nurses, one of whom is a faculty member at an accredited school for practical nursing. No member may also be a member of the Examining Council on Registered Nurses. All appointed by the Board of Nursing.	Advisory to the board.
Pharmacy Examining Board	Pharmacist Advisory Council	4	3	2 licensed pharmacists selected by the Chairman of the Pharmacy Examining Board; 1 licensed physician selected by the Chairperson of the Medical Examining Board; 1 licensed nurse appointed by the Chairperson of the Board of Nursing	Advisory to the board.
Departmental	Council on Real Estate Curriculum and Examinations	7	4	5 licensed real estate brokers or salespersons including 1 member of the Real Estate Board, 2 brokers with 5 years experience, and 1 real estate salesperson with 2 years of experience, 2 public members including one with 2 years experience in planning or presenting real estate education programs. All appointed by the Governor.	Advisory to the Department.
	Massage Therapy and Bodywork Council	7	4	7 members who have engaged in the practice of massage therapy or bodywork for at least two years preceding appointment.	Advisory to the Department.
	Crematory Authority Council	8	3	Secretary of DRL (non-voting member), 3 licensed funeral directors that operate crematories, 3 representatives of cemetery authorities who operate crematories, and 1 public member.	Advisory to the Department.
	Sign Language Interpreter Council	9	3	Secretary of DRL, 5 deaf or hard of hearing persons who have been a client of a sign language interpreter at least one of whom is a graduate of a school for deaf or hard of hearing, 2 licensed sign language interpreters, 1 person who is not hard of hearing and has obtained sign language interpreter services.	Advisory to the Department.
Special Use Authorizations					
Controlled Substances Board		6	3 (for psychologist and pharmacologist)	Attorney General, Secretary of Health Services, Secretary of Agriculture, Trade and Consumer Protection, Chair of Pharmacy Examining Board, 1 psychologist and 1 pharmacologist	Advises DRL boards on matters relating to controlled substances. Approves special use permits for controlled substances. The Board also has duties that are not specific to the Department, relating to rulemaking in defining controlled substances, and creating standards and schedules under the uniform controlled substances act [Chapter 961 of the statutes].

APPENDIX III

Credential Holders by Profession (October, 2010)

Credential Type	Renewal	Initial	Total
Accounting Firm	503	55	558
Acupuncturist	409	69	478
Advanced Practice Nurse Prescriber	3,204	141	3,345
Aesthetician	1,578	344	1,922
Aesthetics Establishment	190	105	295
Aesthetics Instructor	29	9	38
Appraiser, Certified General	596	118	714
Appraiser, Certified Residential	996	49	1,045
Appraiser, Licensed	436	11	447
Architect	4,454	101	4,555
Architectural or Engineering Corp - Certificate of Authorization	1,169	113	1,282
Art Therapist	64	2	66
Athlete Agent	20	5	25
Athletic Trainer	736	64	800
Auction Company	173	0	173
Auctioneer	821	5	826
Audiology	348	27	375
Barber/Cosmetology Apprentice	0	463	463
Barbering and Cosmetology Establishment	6,833	1,355	8,188
Barbering or Cosmetology Instructor	640	97	737
Barbering or Cosmetology Manager	16,360	884	17,244
Barbering or Cosmetology Practitioner	19,407	2,351	21,758
Behavioral Analyst	9	0	9
Cemetery Authority - Licensed	101	0	101
Cemetery Authority - Registered	8	0	8
Cemetery Preneed Seller	148	0	148
Cemetery Salesperson	146	0	146
Certified Dietitian	1,652	20	1,672
Certified Public Accountant	12,755	504	13,259
Charitable Organization	4,355	175	4,530
Chiropractic	2,233	14	2,247
Chiropractic Radiological Technician	305	1	306
Chiropractic Technician	909	7	916
Clinical Substance Abuse Counselor	1,256	170	1,426
Clinical Supervisor-in-Training	115	45	160
Contestant Boxing	1	21	22
Crematory Authority	79	6	85
Dance Therapist	8	0	8
Dental Hygiene	4,910	240	5,150
Dentistry	4,162	182	4,344
Designer of Engineering Systems	995	25	1,020
Drug Manufacturer	81	2	83
Electrologist	230	13	243
Electrology Establishment	101	21	122
Electrology Instructor	4	1	5

Credential Type	Renewal	Initial	Total
Engineer In Training	0	1,511	1,511
Firearms Certifier	1	63	64
Funeral Director	1,248	38	1,286
Funeral Director Apprentice	94	56	150
Funeral Director Excluding Embalming	3	0	3
Funeral Director in Good Standing	16	0	16
Funeral Establishment	528	25	553
Geology Firm	44	0	44
Hearing Instrument Specialist	190	41	231
Home Inspector	1,002	2	1,004
Hydrology Firm	9	0	9
Independent Clinical Supervisor	216	30	246
Intermediate Clinical Supervisor	187	21	208
Judge Boxing	0	2	2
Juvenile Martial Arts Instructor	0	24	24
Land Surveyor	1,524	31	1,555
Landscape Architect	445	10	455
Licensed Marriage and Family Therapist	530	60	590
Licensed Midwife	43	31	74
Licensed Practical Nurse	15,149	2,398	17,547
Licensed Professional Counselor	2,348	322	2,670
Manicuring Establishment	621	279	900
Manicuring Instructor	27	4	31
Manicurist	3,278	430	3,708
Marriage and Family Therapist Training License	0	166	166
Massage Therapist or Bodywork Therapist	0	483	483
Massage Therapist Or Bodyworker	2,888	0	2,888
Matchmaker	0	6	6
Mixed Martial Arts Amateur Contestant	0	22	22
Mixed Martial Arts Judge	0	11	11
Mixed Martial Arts Professional Contestant	0	29	29
Mixed Martial Arts Referee	0	5	5
Mixed Martial Arts Promoter	0	2	2
Music Therapist	48	7	55
Nurse - Midwife	178	9	187
Nursing Home Administrator	868	23	891
Occupational Therapist	3,193	165	3,358
Occupational Therapy Assistant	1,202	83	1,285
Optometry	1,082	41	1,123
Perfusionist	93	8	101
Pharmacist	6,934	309	7,243
Pharmacy (in state)	1,234	41	1,275
Pharmacy (out of state)	423	51	474
Physical Therapist	4,604	306	4,910
Physical Therapist Assistant	1,458	113	1,571
Physician Assistant	1,739	198	1,937
Physician, DO	1,200	164	1,364
Physician, MD	21,053	1,418	22,471
Podiatric Medicine and Surgery	360	1	361
Prevention Specialist	27	4	31

Credential Type	Renewal	Initial	Total
Prevention Specialist-in-Training	22	8	30
Private Detective	814	55	869
Private Detective Agency	495	100	595
Private Practice of School Psychology	61	3	64
Private Security Person	5,516	1,046	6,562
Professional Club Boxing	0	2	2
Professional Counselor Training Certificate	0	1	1
Professional Counselor Training License	1	861	862
Professional Employer Group	8	0	8
Professional Employer Group - Limited	1	2	3
Professional Employer Organization	11	3	14
Professional Employer Organization - Limited	6	3	9
Professional Engineer	17,877	356	18,233
Professional Fund Raiser	59	3	62
Professional Geologist	823	3	826
Professional Hydrologist	141	0	141
Professional Soil Scientist	128	0	128
Psychologist	1,567	87	1,654
Real Estate Broker	12,805	3	12,808
Real Estate Business Entity	3,263	2	3,265
Real Estate Salesperson	14,219	8	14,227
Referee Boxing	0	1	1
Registered Nurse	78,232	4,548	82,780
Registered Sanitarian	404	8	412
Respiratory Care Practitioner	2,638	123	2,761
Ringside Physician	0	8	8
School of Aesthetics	3	1	4
School of Barbering or Cosmetology	22	7	29
School of Electrology	2	0	2
School of Manicuring	3	2	5
Second (Boxing or Mixed Martial Arts Attendant)	1	84	85
Social Worker	5,658	680	6,338
Social Worker Training Certificate	0	322	322
Social Worker, Advanced Practice	1,758	544	2,302
Social Worker, Independent	411	17	428
Social Worker, Licensed Clinical	3,522	197	3,719
Soil Science Firm	12	0	12
Special Permits	0	9	9
Speech-Language Pathology	1,717	359	2,076
Substance Abuse Counselor	504	139	643
Substance Abuse Counselor-in-Training	638	471	1,109
Temporary Education Training Permit	0	438	438
Timekeeper	0	1	1
Timeshare Salesperson	424	0	424
Veterinary Medicine	3,094	172	3,266
Veterinary Technician	1,244	155	1,399
Wholesale Distributor	422	61	483
Wisconsin Registered Interior Designer	<u>263</u>	<u>5</u>	<u>268</u>
Total Credentials	328,405	27,756	356,161

APPENDIX IV

Occupational Regulation Initial Fees (2009-11)

Credential Type	Previous Fee	July, 2009	Change
Standard	\$53	\$75	\$22
Barber/Cosmetologist Apprentice	10	75	65
Cemetery Authority - Registered	10	20	10
Charitable Organizations	15	30	15
Chiropractic Technicians	NA	53	NA
Chiropractic Radiological Technicians	NA	53	NA
Education Training Permit	10	75	65
Funeral Director Apprentice	10	20	10
Social Worker Training Certificate	10	75	65

APPENDIX V
Occupational Regulation Renewal Fees
(2009-11)

Credential Type	Renewal Fee		Change
	Previous	July, 2009	
Accountant, Certified Public	\$59	\$82	\$23
Accounting Corporation or Partnership	56	82	26
Acupuncturist	70	107	37
Aesthetician	87	82	-5
Aesthetics Establishment	70	82	12
Aesthetics Instructor	70	82	12
Aesthetics School	115	82	-33
Appraiser, Certified General Real Estate	162	170	8
Appraiser, Certified Residential Real Estate	167	170	3
Appraiser, Licensed Real Estate	185	170	-15
Architect	60	82	22
Architectural/Engineering Corporation	70	82	12
Art Therapist, Registered	53	107	54
Athlete Agent	53	107	54
Athletic Trainers	53	75	22
Auction Company	56	170	114
Auctioneer	174	170	-4
Audiologist	106	170	64
Barber or Cosmetologist	63	82	19
Barbering or Cosmetology Establishment	56	82	26
Barbering or Cosmetology Instructor	91	82	-9
Barbering or Cosmetology Manager	71	82	11
Barbering or Cosmetology School	138	82	-56
Cemetery Authority	343	170	-173
Cemetery Preneed Seller	61	170	109
Cemetery Salesperson	90	170	80
Charitable Organizations	15	54	39
Chiropractor	168	170	2
Chiropractic Technicians	NA	44	NA
Chiropractic Radiological Technicians	NA	44	NA
Counselor, Professional	76	91	15
Crematory Authority	53	170	117
Dance Therapist, Registered	53	107	54
Dental Hygienist	57	123	66
Dentist	131	123	-8
Designer of Engineering Systems	58	82	24
Dietician	56	75	19
Drug Distributor - Wholesale	300	128	-172
Drug Manufacturer	70	128	58
Physician Training Permit	0	10	10

Credential Type	Renewal Fee		
	Previous	July, 2009	Change
Electrologist	\$76	\$82	\$6
Electrology Establishment	56	82	26
Electrology Instructor	86	82	-4
Electrology School	71	82	11
Engineer, Professional	58	82	24
Fund-Raiser, Professional	93	107	14
Fund-Raising Counsel	53	107	54
Funeral Director	135	170	35
Funeral Director - Apprentice	10	10	0
Funeral Establishment	56	170	114
Geologist, Professional	59	170	111
Geology Firm/Corporation	53	170	117
Hearing Instrument Specialist	106	170	64
Home Inspector	53	107	54
Hydrologist, Professional	53	170	117
Hydrology Firm/Corporation	53	170	117
Interior Designer	56	107	51
Landscape Architect	56	82	26
Land Surveyor	77	82	5
Manicuring Establishment	53	82	29
Manicuring Instructor	53	82	29
Manicuring School	118	82	-36
Manicurist	133	82	-51
Marriage and Family Therapist	84	170	86
Massage Therapist or Body Worker	53	82	29
Midwife	56	107	51
Music Therapist	53	107	54
Nurse, Advanced Practice Prescriber	73	82	9
Nurse, Licensed Practical	69	82	13
Nurse, Registered	66	82	16
Nurse-Midwife	70	82	12
Nursing Home Administrator	120	170	50
Occupational Therapist	59	75	16
Occupational Therapist Assistant	62	75	13
Optometrist	65	170	105
Perfusionist	56	141	85
Pharmacist	97	128	31
Pharmacy	56	128	72
Physical Therapist	62	75	13
Physical Therapist Assistant	44	75	31
Physician	106	141	35
Physician Assistant	72	141	69
Private Detective	101	107	6
Private Detective Agency	53	107	54
Private Security Person	53	107	54
Professional Employer Organization	53	107	54
Psychologist	157	170	13
Real Estate Broker	128	82	-46
Real Estate Business	56	82	26

Credential Type	Renewal Fee		
	Previous	July, 2009	Change
Real Estate Salesperson	\$83	\$82	-\$1
Respiratory Care Practitioner	65	141	76
Sanitarian	53	107	54
School Psychologist, Private Practice	103	170	67
Social Worker	63	85	22
Social Worker, Advanced Practice	70	85	15
Social Worker, Independent	58	85	27
Social Worker, Independent Clinical	73	85	12
Soil Scientist	53	170	117
Soil Science Firm	53	170	117
Speech-Language Pathologist	63	170	107
Substance Abuse Counselor (SAC)	70	107	37
SAC - Training	70	107	37
SAC - Clinical	70	107	37
SAC - Clinical Supervisor	70	107	37
SAC - Clinical Supervisor - Training	70	107	37
SAC - Independent Clinical Supervisor	70	107	37
SAC - Prevention Specialist	70	107	37
SAC - Prevention Specialist - Training	70	107	37
Time-Share Salesperson	119	82	-37
Veterinarian	105	160	55
Veterinary Technician	58	160	102