



Regulation of Occupations  
by the Department of Safety  
and Professional Services

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# Regulation of Occupations by the Department of Safety and Professional Services

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## TABLE OF CONTENTS

Introduction.....	1
Agency Organization, Funding, and Staffing .....	1
Credentialing of Professions .....	6
Professional Boards .....	7
Credential Fees.....	9
Prescription Drug Monitoring Program (PDMP) .....	12
Appendix I: Credential Holders by Profession .....	15
Appendix II: Professional Boards .....	21
Appendix III: Attached Councils and Affiliated Credentialing Boards.....	24
Appendix IV: Occupational Regulation Licensing Fees 2015-17 Biennium .....	28
Appendix V: 2015 Legislation.....	32



# Regulation of Occupations by the Department of Safety and Professional Services

2011 Wisconsin Act 32 (the 2011-13 biennial budget act) created the Department of Safety and Professional Services (DSPS) by combining functions previously conducted by the Department of Regulation and Licensing and the Divisions of Safety and Buildings and Environmental Regulatory Services in the Department of Commerce. Functions of the Division of Environmental Regulatory Services were transferred to the Department of Natural Resources and Department of Agriculture, Trade and Consumer Protection in 2013 Wisconsin Act 20 (the 2013-15 biennial budget act). In 2012, DSPS renamed the Division of Safety and Buildings to be the Division of Industry Services.

DSPS and its boards, councils, and affiliated credentialing boards and examining boards are responsible for ensuring the safe and competent practice of a wide range of health, business, and building trades professions.

Occupational regulation by DSPS falls into three categories: (a) occupations regulated by independent examining boards attached to DSPS or by affiliated credentialing boards attached to those boards; (b) occupations regulated by semi-autonomous boards that share authority with DSPS; and (c) occupations directly regulated by DSPS, which include all of the building trades professions. DSPS provides administrative, legal and enforcement services, assistance in rule making and examinations for the credentialed professions, and assistance to the boards in developing regulatory policies that protect the broad public interest.

This informational paper describes: (a) the agency's organization, funding, and staffing; (b) the responsibilities of professional boards and

DSPS in regulating professions; and (c) the types of credentials DSPS and its professional boards issue, including the current fee structure, and the fee-setting process. In addition, the paper describes the state's prescription drug monitoring program, which is administered by DSPS.

For information on other DSPS programs, see the Legislative Fiscal Bureau Informational Papers entitled, "Private Onsite Wastewater Treatment System Grant Program" and "Fire Department Dues." Both of these programs are administered by the Division of Industry Services.

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## Agency Organization, Funding, and Staffing

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**Organization.** The Department consists of the Office of the Secretary and five divisions -- Policy Development, Professional Credential Processing, Industry Services, Legal Services and Compliance, and Management Services.

*The Office of the Secretary.* The Governor appoints the Secretary of DSPS, 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 and administrative 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 Division of Policy Development.* This Division provides professional and administrative support to regulatory boards, councils, and committees. The Division drafts and implements administrative rules and policies; provides policy guidance; and facilitates meetings for the professional boards, councils, and committees in the state. Further, this Division administers the Prescription Drug Monitoring Program (PDMP), which is discussed in greater detail at the end of this paper.

The Division of Policy Development also includes the Office of Education and Examinations (OEE). OEE maintains, creates, edits, and scores approximately 75 individual exams encompassing approximately 50 different health and business professions, as well as 56 individual exams for 14 different types of trade credentials. Other examinations are administered by Pearson Vue, with whom OEE contracts. Examinations administered by this third-party contractor include the examinations for Real Estate Appraisers, Real Estate Brokers, Real Estate Salespersons, and Barbers/Cosmetologists and related professions. Further, OEE assists boards in reviewing and approving applications and continuing education requirements, and conducts continuing education audits to ensure compliance.

*The Division of Professional Credential Processing.* Staff in this Division develops credential applications and processes credential requests for individuals in the non-trades professions. The Division administers the biennial renewal process for approximately 393,200 active credential holders. Most new applicants will contact this Division to obtain 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, con-

firmation from national associations, information regarding disclosure of previous disciplinary actions, employment verification, proof of insurance, or verification of holding a valid license in another state.

The Division also issues credentials for persons who perform activities regulated by the Division of Industry Services. Examples of these credentials are building inspectors, electricians, plumbers, fire sprinkler installers, elevator mechanics, and manufactured home installers. The Division administers credential requirements for approximately 73,600 active credential holders in the building trades professions.

*The Division of Industry Services.* This Division was transferred from the Department of Commerce, effective in the 2011-12 fiscal year. The Division administers building codes, plan reviews, and inspection activities related to construction of structures, such as commercial buildings, multi-family dwellings, one- and two-family dwellings, manufactured homes, plumbing, private onsite wastewater treatment systems, electrical and heating systems, boilers, elevators, electrical wiring, fire safety, swimming pools, and certain temporary and seasonal structures such as amusement rides and ski lifts.

*The Division of Legal Services and Compliance.* This Division performs the following activities: (a) intake and screening of complaints against credential holders; (b) monitoring compliance with disciplinary orders; (c) inspecting business establishments; (d) overseeing a confidential program for impaired professionals; and (e) providing legal services to professional boards and the Department.

In its capacity of investigating complaints, the Division receives complaints alleging improper practice by a credential holder. The most common types of complaints and violations received include negligence, unprofessional conduct, and incompetence. In cooperation with the examining



boards, division employees investigate complaints and prosecute violations through formal disciplinary hearings before the appropriate boards, when so required. Cases are generally resolved through administrative warnings, reprimands, indefinite suspensions, practice limitations, citations, remedial education, and forfeitures.

*The Division of Management Services.* This Division provides administrative services to the Office of the Secretary and all other Divisions within DSPS. These services include human resources, payroll, budget and fiscal management, program services, and information technology.

**Funding and Staffing.** Under 2015 Wisconsin Act 55 (the 2015-17 budget act), DSPS is authorized 247.14 full-time equivalent (FTE) positions, and is budgeted approximately \$51.5 million, including \$51.0 million in program revenues (PR) and \$0.5 million in federal revenues (FED) in 2016-17.

The Department is funded almost entirely from program revenues, primarily collected from fees for credentials, examinations, building plan reviews, and inspections of construction activity. Other minor sources of revenue derive from the sale of credential lists, and fees charged for late renewals, wall certificates, reciprocal credentials, and the endorsement of credential holders to other states.

For state budgeting purposes, DSPS is divided into two “programs”: (a) professional regulation and administrative services, which includes staff that assist in the regulation of the non-trades professions; and (b) regulation of industry, safety,

and buildings. Since the two programs are supported by separate program revenue sources, the fees collected from health and business professions support regulatory functions relating to those professions, while fees collected from individuals and businesses involved in buildings and safety support DSPS activities relating to the regulation of the trades professions. A portion of DSPS program revenue supports certain agency-wide services, including legal, fiscal, and management services.

Table 1 provides information regarding the program collections, expenditures, and balances for the professional occupations program for fiscal years 2013-14 through 2015-16.

Table 2 provides information regarding the revenues and expenditures in 2013-14 through 2015-16 for the program revenue appropriation, which funds most of the general operations of the Division of Industry Services. The appropriation is budgeted \$13.8 million and 115.14 positions in 2016-17. Most of the revenues are received from several categories of plan review and inspections for building construction types.

*Transfers to the General Fund.* Table 3 shows the amount that DSPS has transferred to the state's general fund over the past five years, from 2011-12 through 2015-16. The transfers to the general fund come from two sources: (a) transfers required by statute or identified by the Department of Administration (DOA) to meet statewide lapse requirements; and (b) an ongoing statutory requirement that 10% of the credential fee revenue DSPS collects for the non-trades professions be transferred to the general fund (an amount referred to as "GPR-Earned").

**Table 1: Regulation of Non-Building Trades Professions, Revenues and Expenditures  
Fiscal Years 2013-14 through 2015-16**

	2013-14	2014-15	2015-16
Opening Balance, July 1	\$4,419,900	\$8,802,100	\$8,983,300
<b>Revenue</b>			
Credential fees - renewal	\$17,350,600	\$12,539,000	\$17,481,000
Credential fees - initial	1,731,500	2,301,400	2,238,900
Examination fees	2,942,300	2,662,300	2,557,600
Grants	196,600	182,700	228,300
Penalties for disciplinary actions	179,200	203,500	267,300
Criminal background check fees	89,200	172,300	116,200
Transfers from examination fees	393,300	488,300	278,200
Other revenue	163,600	178,000	113,300
Other fees	8,100	18,400	56,600
Nurse survey	9,000	9,000	14,200
Total Revenue	<u>\$23,063,400</u>	<u>\$18,754,900</u>	<u>\$23,351,600</u>
Statutory transfer to the general fund*	\$2,483,700	\$1,993,500	\$2,371,100
Total Revenue and Opening Balance	\$29,967,000	\$29,550,500	\$34,705,900
<b>Expenditures</b>			
Expenditures and encumbrances	\$13,911,400	\$13,709,000	\$14,215,600
Transfers to general program operations	393,300	488,300	278,200
Lapse to general fund**	4,376,500	4,376,500	4,443,000
Statutory transfer to the general fund*	2,483,700	1,993,500	2,371,100
Veterinary Examining Board transfer***	0	0	742,300
Total Expenditures	<u>\$21,164,900</u>	<u>\$20,567,300</u>	<u>\$22,050,200</u>
Closing Balance, June 30	\$8,802,100	\$8,983,200	\$12,655,700

\*Statutory transfer amount is composed of multiple sources of revenue, the largest being 10% of all examination and credentialing fees collected by DSPS.

\*\*Amount shown only includes lapses from the professional regulation and administrative services program (the former Regulation and Licensing Programs).

\*\*\*FY 2016: DSPS collected revenues for the Veterinary Examining Board in December, 2015. However, 2015 Act 55 transferred the Veterinary Examining Board and regulatory responsibilities for veterinarians and veterinarian technicians from DSPS to the Department of Agriculture, Trade and Consumer Protection (DATCP). Therefore, DSPS made a one-time transfer of the balance of the Veterinary Examining Board revenues less expenditures to DATCP.

**Table 2: Regulation of Building Trades Professions, Program Revenues and Expenditures, 2013-14 through 2015-16**

	2013-14 Actual	2014-15 Actual	2015-16 Actual
Opening Balance, July 1	\$4,488,000	\$5,718,200	\$8,421,600
<b>Revenue</b>			
Building plan reviews and inspections	\$5,516,800	\$6,241,400	\$6,636,700
Plumbing licenses	417,500	1,479,900	793,100
Plumbing plan reviews	1,836,300	1,901,800	1,590,800
Boiler inspections	1,597,900	1,505,600	1,566,800
Elevator inspections	1,465,000	1,419,700	1,259,800
Private sewage plan reviews and septic tank permits	1,687,600	1,747,500	1,363,600
One- and two-family building permit fees	966,600	822,800	887,200
Electrical program fees	999,700	976,900	856,200
Manufactured home licenses and title fees	519,700	255,400	516,300
Amusement ride and ski tow inspection fees	248,400	269,200	247,600
Mine safety inspection fees	147,800	176,400	207,100
Heating, ventilation, and air conditioning (HVAC) and ozone refrigerant certifications	230,000	114,000	79,200
Swimming pool plan reviews	104,600	115,300	152,700
Weatherization fees	142,000	153,900	176,500
Other revenues	<u>103,300</u>	<u>113,600</u>	<u>491,300*</u>
Total Revenue	\$15,983,200	\$17,293,400	\$16,824,900
Less transfer to private onsite wastewater system grant program			-\$1,645,000
Total Available	\$20,471,200	\$23,011,600	\$23,601,500
<b>Expenditures</b>			
Program expenditures	\$12,897,400	\$12,734,400	\$13,146,300
Transfer to general fund under budget act requirements	<u>1,855,600</u>	<u>1,855,600</u>	<u>1,789,000</u>
Total Expenditures and Transfers	\$14,753,000	\$14,590,000	\$14,935,300
Closing Balance, June 30	\$5,718,200	\$8,421,600	\$8,666,200

\*2015-16 "Other revenues" is larger than previous years because DSPS did not allocate some revenues received in that year to subprograms during the state's transition to a new accounting system.

**Table 3: Transfers from DSPS to the General Fund**

Fiscal Year	From Professional Occupations	From Building Trade Occupations	GPR-Earned from Professional Occupations	Total
2011-12	\$6,296,100	\$1,500,000	\$2,405,900	\$10,202,000
2012-13	3,167,900	1,500,000	1,904,900	6,572,800
2013-14	4,376,500	1,855,600	2,483,700	8,715,800
2014-15	4,376,500	1,855,600	1,993,500	8,225,600
2015-16	4,443,000	1,789,000	2,371,100	8,603,100

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## Credentialing of Professions

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The Department, boards, examining boards, and affiliated credentialing boards regulate certain professions and classes of businesses identified in statute. The goal of the Department and boards is to ensure, through the issuance of credentials, that the public's health, safety, and welfare are adequately protected. The Department and its boards issue several types of credentials, including licenses, certificates, registrations, and permits. These credentials are generally differentiated by qualification requirements, the use of a professional title, and the range of activities that a credential holder is allowed to perform (scope of practice). However, the different types of credentials can only be defined in general terms, because Wisconsin's statutes do not uniformly establish credentialing requirements and the credential titles are often used interchangeably.

*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 examination, certificates generally serve to provide special recognition to individuals who have met predetermined qualifications for a profession, such as certification 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 dietitians.

*Registration* is 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 DSPS, 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 DSPS. 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.

Statutes and administrative codes outline specific requirements for each profession's credential and should be consulted to determine what each credential issuance entails. For example, professions with registration requirements are not necessarily less statutorily restricted than other profession requiring certification.

Finally, common usage of credential terms may be misleading without reviewing the relevant statutes. For instance, one might think that "registered nurses" need only register in order to practice. However, registered nurses practicing in Wisconsin are required to obtain a license from the Board of Nursing.

Appendix I identifies the number of renewing and initial credentials issued by the Department and its boards that were in effect as of July, 2016, by profession. The appendix shows that, in the non-building trades professions, there were 393,174 active credential holders in July, 2016, and the Department processed 61,948 initial credentials and 336,008 renewals from July, 2014, through July, 2016. However, the sum of initial

and renewal credentials does not equal the number of active credentials, due to the way in which these categories are counted. As of July, 2016, the professional boards and the Department identified 153 professional credential types in which at least one person or business held a credential.

Appendix I also shows that, in the building trades professions, there were 73,649 active credential holders, in July, 2016, and the Department processed 12,748 initial credentials and 49,166 renewals from July, 2014, through July, 2016. The Department identified 76 trade professional credential types in which at least one person or business held a license.

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### Professional Boards

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The Department currently provides administrative services to 27 boards, which are listed in Table 4.

**Independent Professional Boards.** Most of the professional boards are independent, unitary examining boards responsible for regulating the professions or activities under their jurisdiction. 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 education and experience requirements for obtaining a credential, develop and evaluate credentialing examinations, and establish and enforce standards of professional conduct.

The following independent examining boards do not operate as unitary boards: (a) the Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors Examining Board; (b) the Professional Geologists, Hydrologists, and Soil Scientists Examining Board; and

**Table 4: Professional Boards**

**Examining Boards**

- Accounting Examining Board
- Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors Examining Board
- Cosmetology Examining Board
- Board of Nursing
- 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\*
- Nursing Home Administrators Examining Board
- Optometry Examining Board
- Pharmacy Examining Board
- Physical Therapy Examining Board
- Psychology Examining Board
- Radiography Examining Board
- Real Estate Examining Board

**Boards**

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

(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, such as qualifications and policies established by administrative rules, fall under the overall jurisdiction of the examining board. Issues that affect only a specific profession are addressed by the applicable sec-

tion or sections of the examining board.

Affiliated credentialing boards regulate five of the professions under the overall jurisdiction of the Medical Examining Board -- podiatrists, dietitians, athletic trainers, massage therapists, and occupational therapists. The affiliated credentialing boards 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, Massage Therapy and Bodywork Therapy, 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.

Some boards are advised by examining councils consisting 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 consists 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.

**Semi-Autonomous Boards.** The Real Estate Appraisers Board and the Auctioneer Board are semi-autonomous in nature. This means that DSPS, rather than the Board, has statutory authority to promulgate rules governing the 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 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, consisting of the Attorney General, the Secretaries of the Departments of Health Services and Agriculture, Trade and Consumer Protection, the chair (or designee of the chair) of the Pharmacy, Dentistry, and Medical Examining Boards, and the Board of Nursing, who serve on the board by virtue of their office, and one psychiatrist and one pharmacologist appointed by the Governor for three-year terms.

With some limited exceptions, 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 consist 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. 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.

Appendix II details the membership and types of credentials issued for each board and examining board. Appendix III provides similar information for all current affiliated credentialing boards, attached examining councils, and coun-

cils serving the Department or one of the boards as of July, 2016.

**Direct Credentialing by the Department.** In addition to the professions regulated by the examining boards, the Department directly regulates and issues credentials for certain professions and activities. Table 5 lists the professions directly regulated by DSPS.

The Secretary of DSPS 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 these professions to assist DSPS in developing rules or studying regulatory issues of interest to the profession.

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### Credential Fees

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As previously indicated, DSPS is funded mostly from fees collected from members of the professions. The Division of Industry Services also receives fees from several permit and inspection activities related to construction of buildings.

The fee structure and fee-setting process for the health and business professions (the professions previously regulated by the Department of Regulation and Licensing) differ from the fee structure and fee-setting process for the building and safety trades (the professions previously regulated by the Department of Commerce).

**Table 5: Professions Directly Regulated by DSPS**

**Non-Building Trades Professions**

Acupuncturists  
 Aesthetics School  
 Appraisers - Certified General, Certified Residential, and Licensed\*  
 Art Therapists  
 Athlete Agents  
 Barbers, Barbering Managers, Barbering Apprentices, Barbering Instructors, Barbering Establishments, and Barbering and Cosmetology Schools  
 Behavioral Analysts  
 Clinical Substance Abuse Counselors, Substance Abuse Counselors and Substance Abuse Counselors-in-Training  
 Clinic Supervisors- Independent, Intermediate, and in-Training  
 Crematories  
 Dance Therapists  
 Electrology Schools  
 Firearms Certifiers  
 Firearms Permit  
 Home Inspectors  
 Interior Designers  
 Juvenile Martial Arts Instructors  
 Manicuring Schools  
 Licensed Midwives  
 Music Therapists  
 Peddlers  
 Prevention Specialists and Prevention Specialists-in-Training  
 Private Detectives and Detective Agencies  
 Private Security Persons and Security Guard Agencies  
 Private Security Permits  
 Registered Sanitarians  
 Sign Language Interpreters

**Building Trades Professions** - See Appendix II for specific categories

Automatic Fire Sprinkler Professions  
 Blasters  
 Dwelling Contractors  
 Electrical Contractors  
 Electricians - several types  
 Elevator Professions  
 Fireworks Manufacturer  
 Inspectors - several types  
 Heating, Ventilation, Air Conditioning Professions  
 Liquefied Gas Suppliers  
 Manufactured Home Professions  
 Pipe Layers  
 Plumbers - several types  
 Private Onsite Wastewater Treatment System Professions  
 Soil Erosion Professions  
 Uniform Dwelling Code Professions - several types  
 UDC-Construction Inspectors  
 Utility Contractors  
 Weld Test Conductors  
 Welders

\*Directly regulated by DSPS and the Real Estate Appraisers Application Advisory Committee

## Health and Business Professions

*Initial Fees.* Each first-time applicant must pay an initial fee when applying for a credential.

Candidates for a credential requiring an examination pay the examination fee to DSPS. If DSPS prepares, administers, or grades the examination, the fee must equal the agency's best estimate of the actual cost of preparing, administering, and grading the examination. 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.

The Department also recovers the costs of background checks for private security persons, private detectives, juvenile martial arts instructors, and other regulated professionals where a background check may be instituted through the assessment of a background check fee.

*Renewal Fees.* 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. Consequently, it is possible for an applicant to pay an initial fee for a DSPS credential shortly before the credential must be renewed.

*Current Fee-Setting Structure and Process.* The current initial and renewal fees for health and business occupational credentials are not listed in the statutes or administrative rules. Instead, they are posted on the Department's website.

The statutes specify a process by which these fees may be modified and established for each fiscal biennium (the two-year period beginning July 1 of the odd-numbered year). Under Wis. Stat. § 440.03(9), DSPS is required to: recalculate the administrative and enforcement costs of

the Department that are attributable to the regulation of each occupation or business under Chapters 440 through 480 (the statutes relating to the regulation of the health and business professions); and by January 31 of each odd-numbered year, adjust each fee, if necessary, for the succeeding biennium to reflect the approximate administrative and enforcement costs of the Department that are attributable to the regulation of the particular occupation or business during the period in which the credential is in effect.

Within 14 days of completing the proposed fee adjustments, the Department is required to send a report detailing the proposed fee adjustments to the Co-Chairs of the Joint Committee on Finance. The Committee then has 14 working days after the submission of the report to notify the DSPS Secretary if it wishes to schedule a meeting to review the fee adjustments. If this occurs, the Department may not impose the fee adjustments until the Committee approves the report. However, if the Co-Chairs do not notify DSPS that it wishes to meet to review the fee adjustments, the Department must notify credential holders of the fee adjustments by posting them on the Department's website and in credential renewal notices it sends to affected credential holders.

During the past several biennia, the Department has recommended, and the Joint Committee on Finance has approved, only minor changes to these credential fees. Although the Department's analysis of administrative and enforcement costs relating to each profession might suggest that adjustments should be considered to ensure that credential fees more closely reflect the Department's cost of regulating each profession, there are several reasons why the Department has not recommended significant fee adjustments. First, the agency's costs of regulating each profession may vary from year to year, and a previous year's actual cost experience may not accurately predict the agency's future costs of regulating the profession. These cost variations may result in dispropo-



portionately large fee variations for professions for which relatively few credentials are issued. Second, establishing cost-based credentialing fees would likely result in minor fluctuations from year to year for numerous credentials.

*Special Credential Fees in Statute.* In addition to the fees that are established through this process, several professional and occupational credentials either have no fee, or have fees set in statute: registration fees for small cemetery authorities; various fees for boxing and mixed martial arts (MMA); and waiver of peddler's license fees for U.S. veterans. Table 6 shows these special credential fees.

**Table 6: Special Credential Fees** (Fee charged per contest, unless otherwise noted)

Occupation or Profession	Fee
Boxing or Mixed Martial Arts (MMA)	
Contest (per contest)	\$300*
Club or Promoter	500
Matchmakers	10
Referees and Judges	15
Examining Physicians	10
Boxers	40
Mixed Martial Arts Fighters	40
Timekeepers	10
Seconds	40
Registered Cemetery Authority (Biennial)	20
Peddler's License for Certain Veterans	No Fee

\*\$300 processing fee, plus a fee starting at \$450, the amount of which is based on event attendance and gross ticket sales collected by the club or promoter.

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 pre-need trust fund accounts, does not need a cemetery authority license. However, it must register with the Cemetery Board, and pay a biennial \$20 fee. A cemetery authority of a cemetery organized, maintained and operated by a town, village, city, church, synagogue, 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 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.

For peddler's licenses, Wis. Stat. § 440.51 specifies that U.S. veterans be granted a free peddler's license if they have been a resident of Wisconsin for five years preceding application and the veteran has one of the following conditions: (a) a verified disability of at least 25%; (b) a cardiac disability recognized by the U.S. Department of Veterans Affairs; or (c) is blind as defined by Title XVI of the Social Security Act. The license allows disabled veterans to sell small goods door-to-door statewide, without the payment of any fees. Other individuals must obtain a license in each city where they wish to engage in door-to-door sales and pay the city licensing fees.

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.

*Current Initial and Renewal Fees.* Under the DSPS 2015-17 fee schedule, the initial fees were set at \$75 for most professions. The current renewal fees vary between \$0 and \$500, as shown in Appendix IV. Most levels were unchanged from those in effect in the 2011-13 biennium.

The process by which DSPS sets fees should reflect actual costs of issuing initial credentials, such as processing applications and determining

eligibility for licensure, as well as costs associated with enforcement, board services, legal counsel, and the statutorily required 10% transfer to the general fund. However, the decision to freeze fees at 2009-11 levels for the 2011-13 biennium and to make limited changes for the 2013-15 biennium means that the current fee levels do not reflect changes in these costs for all professions that were recalculated by DSPS in early 2013.

### **Building Trades Professions**

DSPS regulates industry, buildings, and safety mainly under provisions of Chapters 101, 145 and 167 of the statutes. Under Wis. Stat. § 101.19 (1g), the Department is required to promulgate rules and collect fees that, as closely as possible, equal the cost of providing plan reviews, inspections, and credentials for regulated buildings trades professionals. Under Wis. Stat. § 145.02 (4), DSPS is required to promulgate rules for the licensing of regulated plumbing professions.

Chapter SPS 305 of the Administrative Code establishes requirements, fees, and length of term for licenses, certifications or registrations issued by the Department for activities regulated by the Division of Industry Services. However, the statutes establish the term of a license for a small number of specified licenses or credentials, including: (a) not to exceed two years for a liquefied gas supplier license; (b) two years for elevator contractors, elevator inspectors or elevator mechanics or lift mechanics; and (c) not to exceed four years for the various credentials for plumbers, automatic fire sprinkler fitters and contractors, utility contractors, and pipelayers. The statutes also require dwelling contractors to obtain a certificate of financial responsibility from DSPS every year, and to complete certain continuing education requirements every two years.

SPS 305 generally establishes a term of license, certification, or registration of four years from the date of issuance. However, some credentials expire on a specific date, for example

June 30 for master electricians or March 31 for master plumbers.

Applicants for a building trades credential pay an application fee established in rule, which is \$15 for most credential types. Some credentials require satisfactory completion of an examination administered by DSPS, and payment of an examination fee. SPS 305 specifies that the Department will conduct at least four examinations annually for each license, certification, or registration.

Further, the credential holder pays a license, certification, or registration fee for each term of credential. The amount of the fee for each credential is included in Chapter SPS 305 in Table 305.02. The length of term is included in Table 305.06. Under SPS 305.02 (3), DSPS prorates the fee on a monthly basis for the initial issuance of a credential issued for less than the full license, certification, or registration period.

SPS 305 also includes requirements for: (a) continuing education; (b) denial, suspension, and revocation; (c) responsibilities of credential holders; and (d) penalties and forfeitures for persons who violate the credentialing requirements.

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### **Prescription Drug Monitoring Program (PDMP)**

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Created by 2009 Wisconsin Act 362, the PDMP collects information about the dispensing of monitored prescription drugs in Wisconsin. The primary purpose of the PDMP is to improve patient care and safety, and to reduce the abuse and diversion of prescription drugs while ensuring patients with a legitimate medical need for the drugs are not adversely affected. In order to achieve these goals, healthcare providers are able to review prescription information as it relates to their patients, allowing them to make more in-

formed prescription and dispensing decisions. Law enforcement is also able to request data from the system by submitting the necessary paperwork to DSPS. PDMP staff is funded by DSPS program revenue, with the development and deployment of the PDMP database funded by various federal grants.

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### **Legislation Enacted in the 2015-17 Biennium**

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Appendix V provides a summary of legislation enacted during the 2015-17 legislative session that affected the regulatory responsibilities and programs of DSPS.

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### **Additional Resources**

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Additional information on the Department of Safety and Professional Services is available through the following sources:

Department of Safety and Professional Services Website

*[www.dsps.wi.gov](http://www.dsps.wi.gov)*

DSPS Fee Proposal Letter to Joint Committee on Finance for the 2015-17 Biennium

*[http://docs.legis.wisconsin.gov/misc/lfb/jfc/100\\_section\\_16\\_505\\_16\\_515\\_passive\\_review\\_requests/2015\\_02\\_12\\_safety\\_and\\_professional\\_services\\_licenses\\_and\\_credits.pdf](http://docs.legis.wisconsin.gov/misc/lfb/jfc/100_section_16_505_16_515_passive_review_requests/2015_02_12_safety_and_professional_services_licenses_and_credits.pdf)*



## APPENDIX I

### Credential Holders by Profession As of July, 2016\*

Profession	Initial	Renewal	Total Active
<b>Non-Building Trades Professions</b>			
Accounting Firm	54	583	594
Acupuncturist	76	532	626
Administrative Physician	2	0	3
Advanced Practice Nurse Prescriber	1,243	4,566	5,837
Advanced Practice Social Worker	1,038	2,523	3,660
Aesthetician	453	1,789	2,202
Aesthetics Establishment	219	305	447
Aesthetics Instructor	9	38	49
Aesthetics School	1	4	5
Agent For Burial Agreements**	35	0	35
Anesthesiologist Assistant	41	39	81
Architect	464	4,406	4,341
Architectural or Engineering Corp - Certificate of Authorization	276	1,364	1,427
Art Therapist	12	71	76
Athlete Agent	30	52	35
Athletic Trainer	259	1,036	1,105
Auction Company	19	138	155
Auctioneer	120	636	797
Audiologist	36	369	418
Barber	75	135	256
Barber Apprentice	213	0	339
Barbering Establishment	85	200	340
Barbering Instructor	0	4	5
Barbering Manager	8	351	562
Barbering School	0	0	0
Behavior Analyst	76	80	164
Body Piercer***	-	-	308
Boxing Contestant****	114	6	52
Boxing Judge****	10	0	3
Cemetery Association	2	139	96
Cemetery Authority - Licensed	21	101	112
Cemetery Authority - Registered	4	44	46
Cemetery Authority - Religious**	0	0	405
Cemetery Preneed Seller	77	102	166
Cemetery Salesperson	47	100	156
Certified Dietitian	267	1,701	2,049
Certified General Appraiser	381	687	891
Certified Public Accountant	1,091	13,855	14,917
Certified Residential Appraiser	39	891	940
Chiropractic	196	2,228	2,608

Profession	Initial	Renewal	Total Active
Chiropractic Radiological Technician	123	257	405
Chiropractic Technician	611	861	1,550
Clinical Substance Abuse Counselor	228	1,411	1,681
Clinical Supervisor-in-Training	96	94	175
Cosmetologist	2,403	15,380	16,747
Cosmetology Apprentice	213	16	339
Cosmetology Establishment	1,850	6,733	7,722
Cosmetology Instructor	111	720	804
Cosmetology Manager	942	14,275	14,556
Cosmetology School	17	27	33
Crematory Authority	10	107	113
Dance Therapist	1	8	8
Dental Hygienist	499	5,313	5,716
Dentist	504	4,283	4,738
Designer of Engineering Systems	75	954	998
Electrologist	13	165	180
Electrology Establishment	20	81	92
Electrology Instructor	0	5	5
Electrology School	0	2	2
Engineer-in-Training	360	2	1,878
Firearms Certifier	15	94	123
Firearms Permit	0	997	0
Funeral Director	85	1,240	1,379
Funeral Director Excluding Embalming	0	0	0
Funeral Director Apprentice****	135	259	182
Funeral Establishment	38	550	552
Geology Firm	8	41	41
Hearing Instrument Specialist	58	228	286
Home Inspector	229	674	938
Home Medical Oxygen Provider	179	147	153
Hydrology Firm	0	8	4
Independent Clinical Supervisor	34	256	294
Intermediate Clinical Supervisor	33	183	218
Independent Social Worker	27	282	300
Juvenile Martial Arts Instructor	25	43	79
Land Surveyor	78	1,183	1,248
Landscape Architect	37	367	377
Licensed Appraiser	24	259	278
Licensed Clinical Social Worker	458	3,375	3,817
Licensed Marriage and Family Therapist	128	594	714
Licensed Midwife	65	93	138
Licensed Practical Nurse	2,548	13,672	16,394
Licensed Professional Counselor	850	3,016	3,854
Licensed Radiographer	769	5,663	6,994
Limited X-Ray Machine Operator Permit	2	57	63

Profession	Initial	Renewal	Total Active
Manicuring Establishment	461	727	1,045
Manicuring Instructor	18	32	45
Manicuring School	7	5	10
Manicurist	567	3,129	3,567
Manufacturer- Drug or Device	17	85	88
Marriage and Family Therapist Training Certificate	142	4	322
Massage Therapist or Bodywork Therapist	927	4,716	5,736
Matchmaker****	11	0	6
Mixed Martial Arts Amateur Contestant****	205	5	140
Mixed Martial Arts Judge****	1	2	6
Mixed Martial Arts Professional Contestant****	108	1	83
Mixed Martial Arts Referee****	11	0	6
Music Therapist	14	61	75
Nurse - Midwife	21	213	214
Nursing Home Administrator	102	891	890
Occupational Therapist	420	3,588	3,950
Occupational Therapy Assistant	198	1,354	1,531
Optometrist	99	1,083	1,172
Peddler**	1	0	48
Perfusionist	31	127	137
Pharmacist	1,098	7,977	8,963
Pharmacy (in state)	147	1,275	1,285
Pharmacy (out of state)	514	948	976
Physical Therapist	861	5,400	6,647
Physical Therapist Assistant	346	1,905	2,358
Physician	3,758	24,859	27,713
Physician Assistant	482	2,464	2,708
Podiatrist	43	362	424
Prevention Specialist	9	32	41
Prevention Specialist-in-Training	41	28	62
Private Detective	247	940	1,332
Private Detective/ Security Guard Agency	100	543	571
Private Practice School Psychologist	7	34	39
Private Security Permit	5,080	6,251	12,501
Professional Boxing Contest****	18	0	17
Professional Boxing Promoter****	12	2	6
Professional Counselor Training Certificate	1,010	24	1,809
Professional Engineer	1,348	14,808	15,117
Professional Geologist	23	739	672
Professional Hydrologist	1	118	96
Professional Mixed Martial Arts Contest****	21	0	1
Professional Mixed Martial Arts Promoter****	5	0	5
Professional Soil Scientist	2	108	89
Psychologist	235	1,676	1,892
Real Estate Broker	440	10,171	10,836

Profession	Initial	Renewal	Total Active
Real Estate Business Entity	368	2,564	2,879
Real Estate Salesperson	3,824	9,753	13,689
Registered Nurse	12,912	90,856	99,585
Registered Sanitarian	37	314	340
Resident Educational License	854	0	854
Respiratory Care Practitioner	329	2,815	2,941
Ringside Physician****	3	1	3
Second****	391	14	185
Sign Language Interpreter	64	261	343
Sign Language Interpreter- Restricted	31	56	74
Social Worker	645	5,447	6,276
Social Worker Training Certificate	374	3	371
Soil Science Firm	0	9	9
Special Permits	179	0	167
Speech-Language Pathologist	460	1,909	2,447
Substance Abuse Counselor	191	546	735
Substance Abuse Counselor-in-Training	740	705	1,372
Tanning Establishment***	-	-	732
Tattooist***	-	-	1,196
Tattoo and/or Piercing Establishment***	-	-	60
Timekeeper****	5	0	4
Timeshare Salesperson	136	171	332
Transportation Network Company	2	0	2
Warehouse for Cemetery Merchandise	0	0	0
Wholesale Distributor of Prescription Drugs	181	615	638
Wisconsin Registered Interior Designer	<u>19</u>	<u>232</u>	<u>232</u>
<b>Subtotal</b>	61,948	336,008	393,174

### Building Trades Professions

Automatic Fire Sprinkler Contractor	17	70	108
Automatic Fire Sprinkler Contractor-Maintenance	6	14	32
Automatic Fire Sprinkler Fitter-Maintenance	44	79	197
Automatic Fire Sprinkler System Apprentice	32	141	138
Automatic Fire Sprinkler System Tester	13	29	119
Automatic Fire Sprinkler Tester Learner	3	7	16
Boiler-Pressure Vessel Inspector	16	33	166
Class 1 Blaster	1	7	51
Class 2 Blaster	10	22	117
Class 3 Blaster	5	5	26
Class 4 Blaster	0	0	5
Class 5 Blaster	23	24	171
Class 6 Blaster	7	14	95
Class 7 Blaster	2	1	18
Commercial Building Inspector	80	135	652



Profession	Initial	Renewal	Total Active
Commercial Electrical Inspector	82	230	781
Commercial Plumbing Inspector	33	266	445
Cross Connection Control Tester	249	1,018	1,901
Dwelling Contractor	806	17,745	10,460
Dwelling Contractor-Qualifier	2,576	9,012	11,124
Dwelling Contractor-Restricted	3	15	15
Electrical Contractor	689	743	3,021
Electrical Contractor-Restricted	0	1	0
Electrician Apprentice	206	1,331	1,450
Elevator Apprentice	114	6	197
Elevator Apprentice-Restricted	1	0	1
Elevator Contractor	8	46	57
Elevator Helper	54	7	122
Elevator Inspector	8	12	55
Elevator Mechanic	49	612	656
Elevator Mechanic-Temporary	3	5	10
Elevator Mechanic-Restricted	6	14	16
Fire Detection, Prevention & Suppression Inspector	177	0	212
Fireworks Manufacturer	1	6	16
HVAC Contractor (Heating, ventilation, air conditioning)	334	714	3,481
HVAC Qualifier	51	140	508
Industrial Electrician Apprentice	7	29	27
Industrial Journeyman Electrician	149	418	946
Journeyman Automatic Fire Sprinkler Fitter	45	456	703
Journeyman Electrician	591	2,448	6,206
Journeyman Plumber	145	1,992	2,613
Journeyman Plumber-Restricted Appliance	28	202	272
Journeyman Plumber-Restricted Service	9	197	230
Lift Helper	8	0	25
Lift Mechanic	3	15	19
Liquefied Gas Supplier	5	169	175
Liquefied Gas Supplier - Restricted	7	83	91
Manufactured Home Installer	18	120	155
Manufactured Home Manufacturer	2	3	16
Manufactured Homes Dealer	35	56	164
Manufactured Homes Sales Person	81	124	355
Master Electrician	353	2,350	5,667
Master Plumber	149	2,367	2,901
Master Plumber-Restricted Appliance	7	171	196
Master Plumber-Restricted Service	2	481	518
Pipe Layer	187	349	736
Plumbing Apprentice	203	904	881
Plumbing Learner-Restricted Appliance	95	22	144
Plumbing Learner-Restricted Service	71	38	128
POWTS Inspector (Private onsite wastewater treatment system)	47	83	449

Profession	Initial	Renewal	Total Active
POWTS Maintainer	35	109	642
Registered Electrician	2,583	1,315	2,472
Registered Master Electrician	519	0	543
Rental Weatherization Inspector	20	68	338
Residential Electrician Apprentice	8	0	8
Residential Journeyman Electrician	36	35	122
Residential Master Electrician	58	56	192
Soil Erosion Inspector	27	82	320
Soil Tester	40	113	819
UDC Inspection Agency (Uniform dwelling code)	1	13	75
UDC-Construction Inspector	83	168	922
UDC-Electrical Inspector	32	134	695
UDC-HVAC Inspector	81	155	846
UDC-Plumbing Inspector	24	98	540
Utility Contractor	20	240	296
Weld Test Conductor	16	67	133
Welder	1,209	932	4,630
<b>Subtotal</b>	12,748	49,166	73,649
<b>Total</b>	74,696	385,174	466,823

\*The initial and renewal counts represent the credentials processed from July, 2014 through June, 2016. The total active credential count represents the number of active credentials as of July 1, 2016 (rather than over the two-year range). The total active column does not equal the sum of the initial and renewal columns, since the renewal dates and periods vary, some professionals may reinstate an old license, and some professionals may lose their credential.

\*\*Does not renew.

\*\*\*These credentials are active from July 1 to June 30 of each fiscal year. The active credential counts for these professions represent the number of active credentials as of November 1, 2016. The system used to track these credentials does not provide information regarding each credential's initial or renewal status.

\*\*\*\*Renews every year or every event.

## APPENDIX II

### Professional Boards

Board	Licenses	Composition of Board*	Notes
Accounting Examining Board	Certified Public Accountant Public Accountant Accounting Corporations or Partnerships	7 members (5 certified public accountants and 2 public members)	
Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors Examining Board	Architect Architectural/Engineering Corporation Designer of Engineering Systems Engineer Landscape Architect Land Surveyor	25 members (3 architects, 3 landscape architects, 3 professional engineers, 3 designers, 3 land surveyors (all of the above must be licensed) and 10 public members)	The Board is divided into five sections responsible for regulating each of the professions. The full Examining Board acts on issues affecting multiple professions.
Auctioneer Board	Auctioneer Auction Company	7 members (4 licensed auctioneers or auction company representatives and 3 public members)	No rule-making authority. Advisory to the Department on all matters except discipline. Members may serve no more than two terms.
Building Inspector Review Board	Does not license or certify building inspectors, but can revoke certification, or reverse decisions of building inspectors. (Certification is conducted by the DSPS Secretary.)	5 members (Senate majority leader or designee, Speaker of Assembly or designee, DSPS Secretary or designee, building contractor or building developer, and building inspector). The last two serve five-year terms.	Review complaints received from permittees concerning possible incompetent, negligent, or unethical conduct by building inspectors. May revoke certification of building inspector in such cases. May modify or reverse decision by building inspector if Board finds that the decision by the building inspector was made in error.
Cemetery Board	Licensed Cemetery Authority Registered Cemetery Authority Preneed Seller Cemetery Salesperson Warehouse for Cemetery Merchandise	6 members (4 licensed cemetery authority representatives and 2 public members)	No member may represent a religious cemetery authority, unless that cemetery is regulated by the Board. No member may serve more than two terms.
Cosmetology Examining Board	Aesthetician Aesthetics Establishment Cosmetologist Cosmetologist Apprentice Cosmetology Establishment Cosmetology Manager Electrologist Electrology Establishment Manicurist Manicuring Establishment	9 members (4 licensed aestheticians or cosmetologists, 1 representative of a private school of cosmetology, 1 representative of a public school of cosmetology, 1 licensed electrologist and 2 public members)	This board formerly regulated barbers. The Department now directly licenses barbers, under advisement of the Barbering Advisory Committee. No more than 4 members may be connected with or have a financial interest in a cosmetology school.

Board	Licenses	Composition of Board*	Notes
Chiropractic Examining Board	Chiropractor Chiropractic Radiological Technician Chiropractic Technician	6 members (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)	No member may be connected to or have a financial interest in a chiropractic school.
Dentistry Examining Board	Dentist Dental Hygienist	11 members (6 licensed dentists, 3 licensed dental hygienists and 2 public members)	
Funeral Directors Examining Board	Funeral Director Funeral Establishment	6 members (4 licensed funeral directors and 2 public members)	
Geologists, Hydrologists and Soil Scientists Examining Board	Professional Geologist Professional Hydrologist Professional Soil Scientist Geology Firm/Corp/Partnership Hydrology Firm/Corp/Partnership Soil Scientist Firm/Corp/Partnership	12 members (3 licensed geologists, 3 licensed hydrologists, 3 licensed soil scientists, 3 public members)	The Board is divided into three sections, responsible for regulating each of the professions. The full Examining Board acts on issues affecting multiple professions.
Hearing and Speech Examining Board	Audiologist Hearing Instrument Specialist Speech-Language Pathologist	10 members (3 licensed hearing instrument specialists, 1 otolaryngologist, 2 audiologists, 2 speech-language pathologist and 2 public members)	
Marriage and Family Therapy, Professional Counseling and Social Work Examining Board	Marriage and Family Therapist Professional Counselor Social Worker Advanced Practice Social Worker Independent Social Worker Independent Clinical Social Worker	13 members (3 licensed marriage and family therapists, 4 licensed social workers, including 1 advanced practice social worker, 1 independent social worker, 1 clinical social worker, and 1 social worker who is an employee of federal, state, or local government, 3 licensed professional counselors and 3 public members)	The Board is divided into three sections, responsible for regulating each of the professions. The full Examining Board acts on issues affecting multiple professions.
Medical Examining Board	Anesthesiologist Assistant Athletic Trainer Dietitian Occupational Therapist Occupational Therapist Assistant Perfusionist Podiatrist Physician (MD) Physician (DO) Physician Assistant Respiratory Care Practitioner	14 members (9 licensed medical doctors, 1 doctor of osteopathy and 3 public members. Nonvoting member: chairperson of the patient's compensation fund peer review council)	3 attached councils and 5 Affiliated Credentialing Boards. See Appendix III for council membership and function.

Board	Licenses	Composition of Board*	Notes
Nursing, Board of	Registered Nurse Licensed Practical Nurse Nurse-Midwife Advanced Practice Nurse Prescriber	9 members (5 licensed registered nurses, 2 licensed practical nurses and 2 public members. Nurse members must be graduates of accredited nursing programs)	
Nursing Home Administrators Examining Board	Nursing Home Administrator	9 members (5 licensed nursing home administrators, 1 physician, 1 licensed nurse and 2 public members). The Secretary of Health Services or a designee serves as a non-voting member.	No more than 2 members may be elected officials or full-time state employees.
Optometry Examining Board	Optometrist	7 members (5 licensed optometrists and 2 public members)	
Pharmacy Examining Board	Pharmacist Pharmacy Drug Distributor Drug Manufacturer	7 members (5 licensed pharmacists and 2 public members)	
Physical Therapy Examining Board	Physical Therapist Physical Therapist Assistant	5 members (3 licensed physical therapists, 1 physical therapist assistant, 1 public member)	
Psychology Examining Board	Psychologist School Psychologist	6 members (4 licensed psychologists, each in a different specialty area, and 2 public members)	
Radiography Examining Board	Radiographer Limited X-Ray Machine Operators	7 members (3 licensed radiographers, 1 certified radiology physician, 1 radiologic physicist, 2 public members)	
Real Estate Appraisers Board	General Appraiser Residential Appraiser Licensed Appraiser	7 members (1 certified general appraiser, 1 certified residential appraiser, 1 licensed appraiser, 1 assessor and 3 public members)	No rule-making authority. Advisory to the Department on all matters except discipline. No public member may be connected with or have a financial interest in an appraisal business or other real estate-related business.
Real Estate Examining Board	Apprentice Broker Salesperson Business Entity Time-Share Salesperson	7 members (5 licensed real estate brokers or salespersons and 2 public members)	Members may serve no more than two terms.

\*All members of listed boards serve four-year terms, except the Building Inspector Review Board.

## APPENDIX III

### Attached Councils and Affiliated Credentialing Boards

Attached Councils/ Boards	Composition of Board	Term in Office (in Years)	Duties
<b>Medical Examining Board (MEB)</b>			
Council on Anesthesiologist Assistants	5 members (1 member of the MEB, 1 licensed anesthesiologist assistant, 2 anesthesiologists, and 1 lay member)	3	Advises the MEB on rules for anesthesiology assistants. Appointments made based on recommendations from Wisconsin Society of Anesthesiologists, and the Wisconsin Academy of Anesthesiologist Assistants.
Athletic Trainers Affiliated Credentialing Board	6 members (4 licensed athletic trainers, 1 person licensed to practice medicine and surgery with athletic trainer experience, 1 public member)	4	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 members (3 certified dietitians and 1 public member, all appointed by the Governor)	4	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 members (3 licensed occupational therapists, 2 licensed occupational therapist assistants, 2 public members)	4	Licenses occupational therapists. Sets standards of: (a) examination requirements; (b) continuing education requirements; and (c) standards of practice and professional conduct. Defines the scope of practice. Takes disciplinary action against licensees.
Podiatrists Affiliated Credentialing Board	4 members (3 licensed podiatrists and 1 public member)	4	Licenses podiatrists. Establishes continuing education requirements. Takes disciplinary action against licensees.
Massage Therapy and Bodywork Therapy Affiliated Credentialing Board	7 members (6 licensed massage therapists that have practiced for at least the preceding two years -- one of these members must represent an approved bodywork or massage therapy school and one must represent such a program offered by a state technical college -- and 1 public member)	4	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 members (3 physician assistants, 1 person who teaches physician assistants, and 1 public member)	4	Advises the MEB on rules for physician assistants.
Perfusionists Examining Council	5 members (3 licensed perfusionists, 1 cardiothoracic surgeon or a cardiovascular anesthesiologist, and 1 public member)	3	Advises the MEB on rules for perfusionists.
Respiratory Care Practitioners Examining Council.	5 members (3 certified respiratory care practitioners, each with at least 3 years of experience, 1 physician, and 1 public member)	3	Advises examining board on rules promulgated by the MEB related to the practice of respiratory care.

Attached Councils/ Boards	Composition of Board	Term in Office (in Years)	Duties
<b>Departmental</b>			
Council on Real Estate Curriculum and Examinations	7 members (5 licensed real estate brokers or salespersons, which must include 1 member of the Real Estate Examining Board, 2 brokers with 5 years experience, and 1 real estate salesperson with 2 years of experience; and 2 public members, one of whom must have 2 years experience in planning or presenting real estate education programs)	4	Advisory to the Department.
Sign Language Interpreter Council	9 members (Secretary of DSPS or a designee of the Secretary, 5 deaf or hard-of-hearing persons who have been clients of a sign language interpreter, at least one of whom is a graduate of a school for deaf or hard of hearing, and at least one of whom is a graduate of a public or private school that is not a residential school for the 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)	3	Advisory to the Department.
Automatic Fire Sprinkler System Contractors and Journeymen Council	5 (1 employee of DSPS selected by the Secretary, 2 licensed journeymen automatic fire sprinkler fitters, 2 licensed automatic fire sprinkler contractors)	4	Advises DSPS on rules for qualifications, examination and licensing of journeymen automatic fire sprinkler system fitters and automatic fire sprinkler contractors, and for the registration and training of automatic fire sprinkler system apprentices.
Commercial Building Code Council	10 (2 members representing each of the following groups: (1) skilled building trades, each of whom is actively engaged in his or her trade; (2) local building inspectors, one of whom is certified as an inspector by DSPS and is employed by a city, village, or county; (3) fire services, each of whom is actively engaged in fire service work and at least one of whom is a fire chief; (4) building contractors, each of whom is actively engaged in onsite construction of public buildings and buildings that are places of employment; and (5) architects, engineers and designers, each of whom is actively engaged in the design or evaluation of public buildings and buildings that are places of employment)	3	Reviews rules relating to constructing, altering, adding to, repairing, and maintaining public buildings and buildings that are places of employment. Makes recommendations to DSPS on the rules and other matters related to constructing, altering, adding to, repairing, and maintaining public buildings and buildings that are places of employment.
Contractor Certification Council	3 members (building contractors holding certificates of financial responsibility and who are involved in, or who have demonstrated an interest in, continuing education for building contractors)	3	Advises DSPS on rules for certifying the financial responsibility of building contractors. Recommends courses that meet continuing education requirements. Advises DSPS on the development of course examinations for contractor certification requirements.

Attached Councils/ Boards	Composition of Board	Term in Office (in Years)	Duties
Conveyance Safety Code Council	9 members (one member representing each of the following groups: (1) manufacturer of elevators; (2) elevator servicing business; (3) architectural design or elevator consulting profession; (4) labor organization whose members are involved in the installation, maintenance, and repair of elevators; (5) city, village, town, or county; (6) owner or manager of a building containing an elevator; (7) general public; (8) building contractor involved in commercial construction that includes the construction or installation of conveyances; and (9) the Secretary of DSPS.	3	Advises DSPS on rules related to conveyances, enforcement, the granting of variances, administrative appeal procedures, and fees. Recommends a statewide conveyance safety code for promulgation by DSPS.
Manufactured Housing Code Council	13 members (2 manufacturers of manufactured homes, 2 manufactured home dealers, 2 owners of manufactured home communities, 2 installers of manufactured homes, 1 representative of an association of the manufactured housing industry in Wisconsin, 1 supplier of materials or services to the manufactured housing industry, 1 public member, 1 person representing labor, and 1 inspector of manufactured homes)	3	Recommends a statewide manufactured housing code for promulgation by DSPS. Reviews rules, make recommendations related to licensure and professional discipline of manufacturers of manufactured homes, manufactured home dealers, manufactured home salespersons, and installers, and with regard to consumer protection applicable to consumers of manufactured homes.
Plumbers Council	3 members (1 employee of DSPS selected by the Secretary, 1 master plumber, and 1 journeyman plumber)	2	Advises DSPS on rules related to qualifications, examination and licensing of master and journeyman plumbers and restricted plumbers, for the licensing of utility contractors, for the registration of plumbing apprentices and pipe layers, and for the registration and training of registered learners.
Uniform Dwelling Code Council	11 members (each member shall represent at least one of the following groups: (1) building trade labor organizations; (2) certified building inspectors employed by local governments; (3) building contractors actively engaged in onsite construction of one- and two-family housing; (4) manufacturers, retailers, or installers of manufactured or modular one- and two-family housing; (5) registered architects, engineers, or designers who are actively engaged in the design or evaluation of one- and two-family housing; (6) the construction material supply industry; (7) remodeling contractors actively engaged in the remodeling of one-family and two-family housing; (8) persons with disabilities; and (9) fire prevention professionals.	2	Reviews the standards and rules for one- and two-family dwelling construction and recommends a uniform dwelling code for adoption by DSPS. Studies the need for and availability of one- and two-family dwellings that are accessible to persons with disabilities. Makes recommendations to DSPS for changes to the uniform dwelling code that may be needed to ensure an adequate supply of one- and two-family dwellings. Considers and makes recommendations to DSPS pertaining to rules for one- and two-family dwellings. Prepares a report that consists of the review of the standards and rules, and the recommendations for rule changes, once every six years. The first report was required by July 7, 2014.



Attached Councils/ Boards	Composition of Board	Term in Office (in Years)	Duties
<i>Special Use Authorizations</i>			
<b>Controlled Substances Board</b>			
	6 members (Attorney General, Secretary of Health Services, Secretary of Agriculture, Trade and Consumer Protection, chairperson of Pharmacy Examining Board, the chairperson of the Medical Examining Board, the chairperson of the Dentistry Examining Board, and the chairperson of the Board of Nursing, or a designee, 1 psychiatrist and 1 pharmacologist (the psychiatrist and pharmacologist are appointed by the Governor for three-year terms))	3	Advises DSPS 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 IV

### Occupational Regulation Licensing Fees 2015-17 Biennium

Credential Type	New License Fee	Renewal Fee
<b>Non-Building Trades Professions</b>		
Certified Public Accountant	\$75	\$82
Accounting Firm	75	82
Acupuncturist	75	107
Advanced Practice Nurse Prescriber	75	82
Advanced Practice Social Worker	75	85
Aesthetician	75	82
Aesthetics Establishment	75	82
Aesthetics Instructor	75	82
Agent For Burial Agreements	75	0
Anesthesiologist Assistant	75	82
Architect	75	82
Architectural or Engineering Corp - Certificate of Authorization	75	82
Art Therapist	75	107
Athlete Agent	75	107
Athletic Trainer	75	75
Auction Company	75	170
Auctioneer	75	170
Audiology	75	170
Barber	75	82
Barber Apprentice	10	0
Barber Establishment	75	82
Barbering Instructor	75	82
Barbering Manager	75	82
Barbering School	75	82
Behavior Analyst	75	75
Body Piercer	60	60
Boxing Contestant*	40	40
Boxing Judge*	15	15
Boxing Referee*	15	15
Cemetery Authority - Licensed	75	170
Cemetery Authority - Registered	10	10
Cemetery Authority-Religious	75	0
Cemetery Preneed Seller	75	170
Cemetery Salesperson	75	170
Certified Dietitian	75	75
Certified General Appraiser and Licensed Appraiser	75	170
Certified Residential Appraiser and Licensed Appraiser	75	170
Chiropractic	75	170
Chiropractic Radiological Technician	53	44

Credential Type	New License Fee	Renewal Fee
Chiropractic Technician	\$53	\$44
Clinical Substance Abuse Counselor	75	107
Clinical Supervisor-in-Training	75	107
Cosmetology Apprentice	10	0
Cosmetology Establishment	75	82
Cosmetology Instructor	75	82
Cosmetology Manager	75	82
Cosmetology Practitioner	75	82
Crematory Authority	75	170
Dance Therapist	75	107
Dental Hygiene	75	123
Dentist	75	123
Designer of Engineering Systems	75	82
Electrologist	75	82
Electrology Establishment	75	82
Electrology Instructor	75	82
Engineer-in-Training	75	0
Firearms Certifier	0	8
Funeral Director	75	170
Funeral Director Apprentice	10	10
Funeral Director Excluding Embalming	75	170
Funeral Director in Good Standing	75	170
Funeral Establishment	75	170
Geology Firm	75	170
Hearing Instrument Specialist	75	170
Home Inspector	75	107
Hydrology Firm	75	170
Independent Clinical Supervisor	75	107
Independent Social Worker	75	85
Intermediate Clinical Supervisor	75	107
Juvenile Martial Arts Instructor	75	75
Land Surveyor	75	82
Landscape Architect	75	82
Licensed Appraiser	75	170
Licensed Clinical Social Worker	75	85
Licensed Marriage and Family Therapist	75	85
Licensed Midwife	75	107
Licensed Practical Nurse	75	82
Licensed Professional Counselor	75	91
Licensed Radiographer	75	82
Limited X-Ray Machine Operator Permit	75	82
Manicuring Establishment	75	82
Manicuring Instructor	75	82
Manicurist	75	82
Manufacturer- Drug or Device	75	128

Credential Type	New License Fee	Renewal Fee
Marriage and Family Therapist Training License	\$75	\$0
Massage Therapist or Bodywork Therapist	75	82
Matchmaker*	10	10
Medicine and Surgery DO	75	141
Medicine and Surgery MD	75	141
Mixed Martial Arts Amateur Contestant*	40	40
Mixed Martial Arts Judge*	15	15
Mixed Martial Arts Professional Club*	500	500
Mixed Martial Arts Professional Contestant*	40	40
Mixed Martial Arts Referee*	15	15
Music Therapist	75	107
Nurse - Midwife	75	82
Nursing Home Administrator	75	170
Occupational Therapist	75	75
Occupational Therapy Assistant	75	75
Optometry	75	170
Peddler	75	0
Perfusionist	75	141
Pharmacist	75	128
Pharmacy	75	128
Pharmacy, Out of State	75	128
Physical Therapist	75	75
Physical Therapist Assistant	75	75
Physician Assistant	75	141
Podiatric Medicine and Surgery	75	91
Prevention Specialist	75	107
Prevention Specialist-in-Training	75	107
Private Detective	75	107
Private Detective Agency	75	107
Private Practice of School Psychology	75	170
Private Security Person	75	107
Professional Boxing Contest**	300	300
Professional Boxing Promoter*	500	500
Professional Counselor Training License	75	0
Professional Engineer	75	82
Professional Geologist	75	170
Professional Hydrologist	75	170
Professional Mixed Martial Arts Contest**	300	300
Professional Mixed Martial Arts Promoter*	500	500
Professional Soil Scientist	75	170
Psychologist	75	170
Real Estate Broker	75	82
Real Estate Business Entity	75	82
Real Estate Salesperson	75	82
Registered Nurse	75	82

Credential Type	New License Fee	Renewal Fee
Registered Sanitarian	\$75	\$107
Respiratory Care Practitioner	75	141
Ringside Physician*	10	10
School of Aesthetics	75	82
School of Cosmetology	75	82
School of Electrology	75	82
School of Manicuring	75	82
Second *	40	40
Sign Language Interpreter	75	75
Sign Language Interpreter- Restricted	75	75
Social Worker	75	85
Social Worker Training Certificate	75	0
Soil Science Firm	75	170
Special Permits	75	0
Speech-Language Pathology	75	170
Substance Abuse Counselor	75	107
Substance Abuse Counselor-in-Training	75	107
Tanning Facility	10	10
Tattooing and Body Piercing Establishment	10	220
Tattooist	60	60
Temporary Education Training Permit	10	0
Timekeeper*	10	10
Time-share Salesperson	75	82
Veterinary Medicine***	75	160
Veterinary Technician***	75	160

**Building Trades Professions**

See administrative Code Chapter SPS 305, Table 305.02 for fees, and Table 305.06 for length of credential.

\*Renew annually

\*\*Cost per contest

\*\*\*Fees were collected by DSPS in 2015 but mostly transferred to the Department of Agriculture, Trade and Consumer Protection (DATCP) under provisions of 2015 Act 55, which transferred the Veterinary Examining Board from DSPS to DATCP.

## APPENDIX V

### 2015 Legislation

The Legislature passed the following laws during the 2015-17 biennium that affect the DSPS regulatory responsibilities and programs. This table provides the act number, and a brief summary of the provisions of that act. Full descriptions of these acts were prepared by staff of the Legislative Council, and are available on that agency's website (<http://legis.wisconsin.gov/lc/publications/act/index.html>).

Act Number	Professions Affected	Summary	Effective Date
16	Transportation Network Companies	<p>Authorize DSPS to license and regulate transportation network companies (TNCs), including conducting investigations and holding hearings to determine whether violations of statutes or rules relating to the operation of TNCs occurred.</p> <p>Require licensed TNCs to: (a) ensure that participating drivers meet specified standards, and prohibits TNCs from allowing certain individuals from participating as licensed drivers; (b) develop drug and alcohol policies that prohibit drug and alcohol use that may prevent the participating driver for safely driving, and complaint procedures for reports of suspected violations; (c) adopt a nondiscrimination policy on the basis of trip origin or destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation or gender identity; (d) make specified disclosures, such as fare rates, estimated fares, and photographs of participating drivers; (e) ensure vehicles meet safety standards; (f) maintain certain records; (g) prevent the disclosure of specified personally identifiable information; and (h) provide passengers an electronic receipt containing specified information.</p> <p>Establish an initial licensure fee of \$5,000 for TNCs, and a biennial renewal fee of up to \$5,000, with licenses expiring on March 1 of each odd-numbered year.</p> <p>Provide for the regulation of participating drivers by: (a) requiring drivers to immediately notify their TNC of moving violations and convictions of felonies and misdemeanors; (b) prohibiting participating drivers from soliciting or accepting cash payments, street hails, or otherwise providing rides for compensation that are not prearranged through the TNC; and (c) prohibiting discrimination against any passenger or prospective passenger on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.</p> <p>Establish insurance requirements for vehicles used by TNCs.</p> <p>Specify that a licensed TNC is not considered to control, direct, or manage a participating driver or vehicle, except as provided under Act 16 or pursuant to a written agreement between the licensed company and the participating driver.</p> <p>Prohibit local governments from enacting or enforcing an ordinance that regulates TNCs or participating drivers and vehicles.</p> <p>Authorize DSPS to promulgate emergency rules relating to these provisions, which would remain in effect until June 30, 2017, or until permanent rules take effect, whichever is sooner.</p>	<p>May 3, 2015 (General effective date)</p> <p>September 1, 2015 (Licensure requirement for TNCs)</p> <p>July 1, 2015 (Provisions relating to primary automobile coverage)</p>

Act Number	Professions Affected	Summary	Effective Date
29	Commercial Building Professions	Rename the Dwelling Code Council to be the Uniform Dwelling Code Council. Rename the Building Code Council to be the Commercial Building Code Council.	July 3, 2015
34	Optometrists	Authorize optometrists who satisfy criteria established by the Optometry Examining Board for using therapeutic pharmaceutical agents to also prescribe, dispense, or administer hydrocodone, to the extent permitted under rules promulgated by DSPS and within dosage limits specified in the act. Permit DSPS to promulgate emergency rules for this purpose.	July 3, 2015
49	Building Professions	Require DSPS to promulgate rule standards within the one- and two-family dwelling code, electrical code, and plumbing code that apply only to the construction and inspection of camping units that are set in a fixed location in a campground that contain a sleeping place, and that are used for seasonal overnight camping; campgrounds are currently regulated by the Department of Agriculture, Trade and Consumer Protection (DATCP).	July 3, 2015
55	Tattooists, Tattoo Establishments, Body Piercers and Body Piercing Establishments	Transfer regulatory responsibilities for tattooists, tattoo establishments body piercers and body piercing establishments from the Department of Health Services to DSPS.	January 1, 2016
55	Veterinarians and Veterinary Technicians	Transfer the Veterinary Examining Board and regulatory responsibilities for veterinarians and veterinarian technicians from DSPS to DATCP.	July 14, 2015
55	Dwelling Builders and Municipalities	Allow members of certain religious sects to request and receive a temporary waiver from the requirements in the one- and two-family dwelling code to install smoke detectors and carbon monoxide detectors, and from the requirement that dwellings meet certain electrical wiring and plumbing standards. Establish a procedure for submittal and approval of waiver applications. Require DSPS to provide a waiver application form to every municipality that issues building permits. Require that, if a municipality denies a waiver, DSPS shall review the action, and deny or approve the waiver.	July 14, 2015
55	Fire and Building Professions	Prohibit DSPS from promulgating or enforcing an administrative rule requiring any one- or two-family dwelling to contain an automatic fire sprinkler system.	July 14, 2015
55	Electrical and Plumbing Professions	Create an exemption from the DSPS electrician licensing statutes to provide that persons would not have to be a licensed electrician if they are engaged in certain activities related to: (a) installing, repairing, or maintaining a private onsite wastewater treatment system, or (b) installing, repairing, or maintaining a pump for a well.	July 14, 2015
55	Electrical Professions and Municipalities	Require that if a city, village, or town adopts an electrical code or ordinance regarding electrical wiring and inspection of electrical wiring, the code or ordinance must strictly conform to administrative rules promulgated by DSPS under the state electrical wiring code.	July 14, 2015

Act Number	Professions Affected	Summary	Effective Date
65	All Occupations	<p>Prohibit a local government from imposing new occupational fees or licensing requirements on any profession if the profession is not subject to occupational fees or licensing requirements as of November 13, 2015, and specify that if a local government has an occupational or fee or licensing requirement on the profession of photographers as of that date, that regulation does not apply and cannot be enforced.</p> <p>Provide that if DSPS or any of its boards impose any new occupational fees or licensing requirements on any profession that was previously unregulated by the state, and if the local government regulates the occupation when the state regulation takes effect, the local government may not continue to regulate that profession on or after the day on which the state regulations take effect, and the local government's regulations do not apply and may not be enforced.</p>	November 13, 2015
211	Building Professions and Municipalities	<p>Require DSPS to provide a standard building permit form for one- and two-family dwellings, in electronic form, to municipalities, by January 2, 2017. Require DSPS to promulgate rules by January 2, 2017, that establish an electronic permit processing system through which an applicant may electronically submit a building permit application to a municipality, a municipality may electronically issue the permit, and the municipality may submit copies of issued permits to DSPS. Require municipalities to begin implementation of the electronic processing system by January 2, 2018. Require municipalities to submit issued permits electronically to DSPS no later than the 15<sup>th</sup> day of the first month after issuance of the permit.</p>	March 3, 2016
217	Certified Public Accountants	<p>Modify statutory requirements that specify the educational credits a person must complete in order to take the certified public accountant (CPA) examination. Revise administrative rules (ACCY 1 thru ACCY 6) relating to: (a) professional conduct and grounds for disciplinary actions for CPAs; (b) the time by which a CPA convicted of a crime must report the crime to the Accounting Examining Board (AEB), which is reduced from 60 days to 48 hours; (c) approving and conducting peer reviews of CPA firms; (d) limiting the circumstances under which a CPA may provide attest services; (e) specifying the work experience a person must have in order to receive certification; and (f) the renewal and reinstatement of licenses.</p> <p>Direct the AEB to research the feasibility of rules establishing continuing education requirements for license renewals and submit a report to the Legislature by December 31, 2016.</p>	<p>March 3, 2016 (Statutory Changes)</p> <p>June 1, 2016 (Rule Changes)</p>
223	Manufactured Home Professions and Municipalities	<p>Prohibit city and village zoning ordinances from prohibiting the replacement of a nonconforming structure that is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation. Specify that a manufactured home community licensed by DSPS that is a legal nonconforming use under a county zoning ordinance retains its legal nonconforming status notwithstanding any repair or replacement of homes or infrastructure within the community.</p>	March 3, 2016
237	Cemetery Authorities	<p>Transfer certain functions relating to cemeteries from DSPS and the Department of Financial Institutions to the Cemetery Board, including the following: (a) the construction of mausoleums; (b) reporting</p>	July 1, 2016



Act Number	Professions Affected	Summary	Effective Date
		<p>requirements for cemetery authorities; (c) the certification of cemetery authorities as religious associations; (d) audits of cemetery authority records, trust funds and accounts; (e) the licensure and regulation of cemetery salespersons; (f) the licensure and regulation of preneed sellers, and the regulation of preneed sales contracts and the regulation and audit of preneed trust funds; and (g) the promulgation of certain rules concerning cemeteries and the enforcement of those rules and laws.</p> <p>Require cemetery authorities to obtain a license for each cemetery at least five acres in size, or for which the cemetery authority had \$100,000 or more in trust fund accounts, or of which 20 or more cemetery lots or mausoleum spaces were sold in one year.</p> <p>Establish procedures for the disposition of a cemetery lot or mausoleum space in which human remains are buried.</p> <p>Provide that subsidiaries and affiliates of a religious association are included within the scope of exemptions and procedures that apply to cemetery authorities that are religious associations.</p>	
240	Fire Professions and Municipalities	Prohibit DSPS from requiring, and prohibit a city, village, or town from enacting or enforcing an ordinance requiring a county or organized agricultural society, association, or board to install or maintain an automatic fire suppression system in a building on fairgrounds if: (a) the building is open to the public only for seasonal or temporary event use for 180 cumulative days or fewer per year; and (b) public access to the building is provided by garage-style doors that remain open when the building is open to the public.	March 3, 2016
258	Real Estate	Make numerous changes to laws regulating real estate practice, including: (a) establishing and defining relationships between firms, licensees employed by the firms, and licensees associated with firms who serve as independent contractors; (b) eliminating the requirement that brokers pay worker's compensation insurance for agents, but enables firms to offer worker's compensation insurance, at their option, without forfeiting the agent's status as an independent contractor; (c) reducing from six years to two years the statute of limitations regarding actions concerning any act or omission of a firm or licensee associated with a firm after a transaction is completed or closed, an agency agreement is terminated, or an unconsummated transaction is terminated or expires; (d) clarifying that no license is required for an individual that provides, for a firm or licensees associated with a firm, services that are purely administrative, clerical or personal in nature; (e) updating the contents of disclosure statements for real estate transactions; (f) authorizing licensees to use Board-approved real estate forms and to provide explanations of the provisions contained in the forms, but prohibiting them from providing legal advice; (g) requiring licensees to retain records, including electronic records, relating to real estate transactions, in accordance with the Board's rules; (h) repealing provisions relating to the licensing of time-share salespersons; and (i) creating and modifying definitions and terms used in Chapter 452 ("Real Estate Practice").	<p>July 1, 2016</p> <p>March 4, 2016 (Statute of Limitations for Claims Against Licensees)</p> <p>December 14, 2016 (Timeshare Sales-Person Licenses)</p>

Act Number	Professions Affected	Summary	Effective Date
266	Health Care Practitioners	<p>Modify provisions relating to the prescription drug monitoring program (PDMP) as follows:</p> <p>Require a pharmacy or practitioner to submit a record to the Controlled Substances Board (CSB) no later than 11:59 pm on the next business day after a monitored prescription drug is dispensed.</p> <p>Require practitioners to check the PDMP before issuing a prescription order, subject to specified exceptions, effective once DSPS determines that the PDMP is capable of electronically transmitting records to practitioners. Sunset this requirement three years after this requirement takes effect.</p> <p>Authorize the CSB to permit disclosure of PDMP records, under specified circumstances, to the following entities: (a) relevant prosecutorial units; (b) individuals authorized to treat alcohol or substance dependency or abuse; (c) a practitioner, pharmacist, registered nurse, or substance abuse counselor who treats or renders assistance to the patient; and (d) certain individuals for the purposes of evaluating the job performance of a practitioner or performing certain quality assessment and improvement activities, if the information does not contain personally identifiable information.</p> <p>Authorize the release of PDMP records to prosecutorial units, in addition to a state board or agency, agency of another state, or law enforcement agency if circumstances indicate suspicious or critically dangerous conduct of a pharmacy, pharmacist, practitioner, or patient.</p> <p>Authorize CSB to promulgate emergency rules relating to the operation of the PDMP.</p>	<p>April 1, 2017</p> <p>30th day after publication of a notice in the Wisconsin Administrative Register indicating that the PDMP is capable of electronically transmitting records to practitioners or April 1, 2017, whichever is later. (Requirement for Practitioners to Check PDMP before issuing prescription orders)</p> <p>March 19, 2016 (Authority for CSB to Promulgate Emergency Rules)</p>
267	Controlled Substances Board	<p>Require the CSB to submit quarterly reports to DSPS, beginning in the third quarter of 2016 and ending October 1, 2020, that include an evaluation of: (a) the satisfaction with the program of pharmacists, pharmacies, practitioners and other users of the prescription drug monitoring program (PDMP); (b) the program's impact on referrals of pharmacists, pharmacies, and practitioners to licensing or regulatory boards for discipline and to law enforcement agencies for investigation and possible prosecution; (c) an assessment of the trends and changes in the use of monitored prescription drugs in the state; (d) the number of practitioners, by profession, and pharmacies submitting records to the Board under the program in the previous quarter; (e) a description of the number, frequency, and nature of submissions by law enforcement agencies to the PDMP; (f) a description of the number, frequency, and nature of requests made in the previous quarter for disclosure of PDMP records; (g) the number of individuals receiving prescription orders from five or more practitioners or having monitored prescription drugs dispensed by five or more pharmacies within the same 90-day period at any time over the course of the program; (h) the number of individuals receiving daily morphine equivalents of 1 to 19 milligrams, 20 to 49 milligrams, 50 to 99 milligrams, and 100 or more milligrams in the previous quarter; and (i) the number of individuals to whom both opioids and benzodiazepines were dispensed within the same 90-day period at any time over the course of the program.</p>	<p>March 19, 2016</p>

Act Number	Professions Affected	Summary	Effective Date
		<p>Authorize CSB to contract with an analytics firm to augment the PDMP with an analytics platform that provides data integration, advanced analytics, and alert management capabilities to detect problematic behaviors of practitioners, pharmacists, and patients.</p>	
268	Law Enforcement Agencies	<p>Require law enforcement officers, acting in an official capacity, to report certain information to their agencies, and the agencies to submit specified information to the PDMP regarding controlled substances. Require law enforcement officers to report: (a) encounters in which the officer reasonably suspects that a violation involving a monitored prescription drug is occurring or has occurred; (b) encounters where the office believes the individual is undergoing, or has immediately prior experienced an opioid-related drug overdose, or where the officer believes a deceased individual died as a result of using a narcotic drug; and (c) reports of a stolen prescription for a controlled substance. Specify the type of information that must be reported under these circumstances. Permit an agency from postponing reporting this information to the PDMP if it determines that reporting the information would interfere with an active criminal investigation.</p>	March 19, 2016
269	Various Boards	<p>Authorize the Medical Examining Board, the Podiatry Affiliated Credentialing Board, the Board of Nursing, the Dentistry Examining Board, and the Optometry Examining Board to issue guidelines regarding best practices in prescribing controlled substances for persons credentialed by the boards who are authorized to prescribe controlled substances.</p> <p>Repeal a provision that requires the Medical Examining Board to use examinations prepared, administered, and scored by national examining agencies, in examining applicants for medical licenses.</p>	March 19, 2016
277	Unarmed Combat Sports Professions	<p>Replace current references to "mixed martial arts fighting" with "unarmed combat sports" with respect to the regulation of related professions in Chapter 444 of the statutes. Define "unarmed combat sports" as any form of fighting in which the objective is for a contestant to injure, disable, or incapacitate one's opponent, but does not include any fighting in a contest for which the rules prohibit a contestant from striking the opponent's head. Permit DSPS to require that more than one physician be present during an unarmed combat sports match. Authorize DSPS to promulgate rules to enforce the provisions of Chapter 444.</p>	March 1, 2017
290	Pharmacists	<p>Repeal a provision that limits the authority of pharmacists, pharmacy students, and persons who have applied for a pharmacist license or to administer a prescribed drug or device by injection only in the course of teaching self-administration techniques to the patient. (As under previous law, students and license applicants may only administer an injection under the direct supervision of a pharmacist who has completed a course of study and training.)</p> <p>Require any pharmacist, student or applicant to notify the prescribing practitioner, or to enter the information in a patient record system shared by the prescribing practitioner.</p>	April 1, 2016

Act Number	Professions Affected	Summary	Effective Date
291	Pharmacists	<p>Authorize a pharmacist to exercise his or her professional judgment to dispense varying quantities of a prescribed drug (excluding controlled substances) per fill, up to the total number of dosage units authorized by the prescribing practitioner in the prescription order, including any refills, subject to the following limitations: (a) the authority does not apply to the initial quantity specified in the prescription order, except that a pharmacist may dispense a varying initial quantity of the drug if the quantity was previously dispensed to the patient in the previous two-year period under an earlier prescription; and (b) the pharmacist may not dispense more than a 90-day supply of a drug in a single fill or refill.</p> <p>Prohibit a pharmacist from exercising this authority if the prescribing practitioner has specified in the prescription order that dispensing a prescribed drug in an initial amount followed by periodic refills, as specified in the prescription order, is medically necessary.</p>	April 1, 2016
298	State Crime Laboratories	<p>Provide that if DSPS issues a permit authorizing a state crime laboratory to manufacture, obtain, possess, use, administer, or dispense a controlled substance for purposes of scientific research, instructional activities, chemical analysis, or other special uses, the permit is effective for any controlled substance, whether or not the name or schedule is specified on the permit.</p>	April 1, 2016
313	Pharmacists	<p>Permit the Pharmacy Board or its designee to authorize a pilot program and grant a waiver or variance in connection with the pilot program from any rule promulgated by the Board if all of the following are true: (a) the pilot program is related to the practice of pharmacy or prescription verification; (b) the Board or its designee determines that the pilot program will improved the safety, quality, or efficiency of the practice of pharmacy in the state; and (c) the Board or its designee may not authorize a pilot program that last longer than three years.</p>	April 1, 2016
332	Restricted Controlled Substance (Blood Testing)	<p>Add heroin metabolite 6-monoacetylmorphine to the list of restricted controlled substances that, if detected in a person's blood, would serve as <i>prima facie</i> evidence that the person has a detectable amount in his or her blood. The treatment of this evidence relates to court cases involving the operation of a motor vehicle, a motorboat, a snowmobile, an all-terrain vehicle or utility terrain vehicle, and handling firearms.</p>	<p>Applies to violations committed on the act's effective date (April 1, 2016), but does not preclude the counting of other violations, convictions, suspensions, or revocations for purposes of administrative action by the Dep. of Transportation, sentencing by a court, or revocation or suspension of motor vehicle operating privileges.</p>

Act Number	Professions Affected	Summary	Effective Date
333	Fire Professions and Municipalities	Prohibit DSPS from promulgating or enforcing a rule related to fire safety that prohibits the seasonal placement of a Christmas tree in the rotunda of the state Capitol or in a church. Prohibit cities, villages, and towns from enacting or enforcing an ordinance related to fire safety that prohibits the seasonal placement of a Christmas tree in the rotunda of the state Capitol or in a church.	April 1, 2016
375	Physical Therapists	<p>Authorize physical therapists to prescribe or order the use of diagnostic X-ray equipment if: (a) he or she holds a clinical doctorate degree in physical therapy; (b) he or she has completed a nationally recognized specialty certification program; (c) he or she has completed a nationally recognized residency or fellowship certified by an organization recognized by the Examining Board; or (d) he or she has completed a formal X-ray ordering training program with demonstrated physician involvement.</p> <p>Require a physical therapist who orders an X-ray to communicate with the patient's primary care physician or an appropriate health care practitioner to ensure coordination of care, unless all of the following apply: (a) a radiologist has read the X-ray and not identified a significant finding; (b) the patient does not have a primary care physician; (c) the patient was not referred to the physical therapist by another health care practitioner to receive care from the physical therapist.</p>	April 27, 2016
382	Funeral Directors, Funeral Establishments, and Cemetery Authorities	Require funeral directors, cemetery authorities and public officers that have custody of cremated remains that are not claimed within 90 days after the date of cremation to contact the Wisconsin Department of Veterans Affairs (DVA), a county veterans service officer, or local veterans service organization to determine whether the cremated remains are of a veteran or other person eligible for burial at a veterans cemetery. If so, permit the funeral director, cemetery authority, or public officer to transfer the cremated remains to DVA for burial. Specify that a funeral director (and, if different from the funeral director, the owner or operator of the funeral establishment), cemetery authority or public officer who transfers the remains is immune from civil liability for any injury resulting from that act unless the act constitutes gross negligence or involves reckless, wanton, or intentional misconduct.	April 27, 2016