

Report From Agency

**STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
DEPARTMENT OF SAFETY AND : CR 19-114
PROFESSIONAL SERVICES :**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS: N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

Chapter SPS 6 provides a uniform process to be used by the department and affiliated credentialing boards in issuing a summary suspension of a credential. 2017 Wisconsin Act 328 amended s. 448.02, Stats. to allow for summary limitation of a credential in addition to summary suspension.

Chapter SPS 8 provides a uniform process to be used by the department and affiliated credentialing boards in issuing administrative warnings. 2017 Wisconsin Act 328 amended s. 440.205 to remove the requirement that a complaint involve a first occurrence of a minor violation for the credential holder to be eligible to receive an administrative warning.

The purpose of this rule is to amend ch. SPS 6 to provide for summary limitation of credentials, and to amend ch. SPS 8 to remove the requirement that an occurrence be a first offense in order to be eligible to receive an administrative warning in lieu of other discipline.

Not updating the administrative code to resolve these issues would result in the rules being more restrictive, and thus out of compliance, with the relevant statutes.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Department held a public hearing on October 1, 2019. No one testified or provided written comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

This proposed rule does not have an economic impact on small business, as defined in s. 227.114 (1), Stats.