



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-3519/1
KP:kjf

2021 ASSEMBLY BILL 902

January 21, 2022 - Introduced by Representatives MURPHY, HORLACHER, BRANDTJEN, CABRAL-GUEVARA, DITTRICH, EDMING, MOSES, ROZAR, THIESFELDT, WICHGERS and KNODL, cosponsored by Senators JACQUE and NASS. Referred to Committee on Regulatory Licensing Reform.

1 **AN ACT** *to renumber* 440.09 (2); *to renumber and amend* 440.09 (2m), 440.09
2 (3) (a), 440.09 (3) (b), 440.09 (4) and 440.09 (5); *to amend* 101.022, 101.874 (2),
3 101.874 (3) (intro.) and 440.09 (title); and *to create* 89.072 (3), 101.874 (4),
4 440.09 (1) (title), 440.09 (1m), 440.09 (2e) (title) and 440.09 (3m) of the statutes;
5 **relating to:** reciprocal credentials and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill establishes a process for credential holders from other states to obtain reciprocal credentials to practice their professions in Wisconsin. Under the bill, a person who applies to the Department of Safety and Professional Services, a credentialing board, or the Veterinary Examining Board, as appropriate, must be granted a reciprocal credential if the person holds a license, certification, registration, or permit granted by another state that qualifies the person to practice the profession authorized under the analogous credential granted by DSPS or the appropriate board. In order to receive the reciprocal credential, an applicant must reside in Wisconsin and satisfy certain other requirements, including that 1) the applicant has held a license, certification, registration, or permit analogous to the credential in another state for at least one year; 2) when the applicant was granted the license, certification, registration, or permit, minimum education and, if applicable, work experience and clinical supervision requirements applied; 3) the applicant has not had a license, certification, registration, or permit revoked; 4) the applicant does not have a complaint, allegation, or investigation pending before a

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regulating entity in another state or country relating to unprofessional conduct; 5) the applicant passes a criminal background check that applies to applicants for the analogous credential; and 6) the applicant passes an examination on the laws governing practice of the profession in Wisconsin, if such an examination is required for the analogous credential.

The bill generally applies to credentials granted by the Veterinary Examining Board, DSPS, and credentialing boards in DSPS, but does not apply to credentials related to transportation network companies, private colleges, boxing and martial arts, body art and tanning facilities, private detectives, and security guards.

Additionally, a person who applies for a reciprocal credential under the bill during the first year after it takes effect is not required to pay any fee for the credential.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 89.072 (3) of the statutes is created to read:

2 89.072 (3) (a) The examining board shall grant a license or certification under
3 s. 89.06 to a person who the examining board determines meets all of the following
4 requirements:

5 1. The person applies for a license or certification under this chapter on a form
6 prescribed by the examining board.

7 2. The person holds a license, certification, registration, or permit that was
8 granted by another state that qualifies the person to perform the acts authorized
9 under the license or certification granted by the examining board and all of the
10 following apply:

11 a. The person has held that license, certification, registration, or permit for at
12 least one year.

13 b. When the person was granted the license, certification, registration, or
14 permit, there were minimum education requirements in effect, and the other state

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1 verifies that the person met those requirements in order to receive that license,
2 certification, registration, or permit.

3 3. The person establishes residence in this state.

4 4. The person previously passed all examinations required for the license,
5 certification, registration, or permit in the other state, if required by the other state.

6 5. The person has not had his or her license, certification, registration, or
7 permit revoked and has not voluntarily surrendered a license, certification,
8 registration, or permit in another state or country while under investigation for
9 unprofessional conduct.

10 6. The person has not had discipline imposed by a regulating entity in another
11 state or country, except that if a regulating entity in another state or country has
12 taken disciplinary action against the person, the examining board shall determine
13 if the cause for the action was corrected and the matter resolved, and if the matter
14 has been resolved, the examining board shall issue the license or certification if the
15 other requirements in this paragraph are satisfied.

16 7. The person does not have a complaint, allegation, or investigation pending
17 before a regulating entity in another state or country that relates to unprofessional
18 conduct. If the individual has any complaint, allegation, or investigation pending,
19 the examining board shall suspend the application process and may not issue or deny
20 a license or certification to the person until the complaint, allegation, or
21 investigation is resolved.

22 8. The person does not have an arrest record, as defined in s. 111.32 (1), or a
23 conviction record, as defined in s. 111.32 (3), that would disqualify the person from
24 being granted a license or certification under this chapter.

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1 9. The person passes an examination on the laws and rules related to practicing
2 under a license or certification under this chapter.

3 10. The person pays the fee established under s. 89.063.

4 (b) The examining board shall promulgate rules to implement par. (a) but may
5 not require any requirements other than those specified in par. (a) to be satisfied in
6 order for a person to be granted a license or certification under par. (a).

7 **SECTION 2.** 101.022 of the statutes is amended to read:

8 **101.022 Certain laws applicable to occupational licenses.** Sections
9 440.03 (1), (3m), (4), (11m), and (13) (a), (am), and (b) 75., 440.05 (1) (a) and (2) (b),
10 440.075, 440.09 (2), 440.11, 440.12, 440.121, 440.13, 440.14, 440.15, 440.19, 440.20
11 (1), (3), (4) (a), and (5) (a), 440.205, 440.21, and 440.22, and the requirements imposed
12 on the department under those statutes, apply to occupational licenses, as defined
13 in s. 101.02 (1) (a) 2., in the same manner as those statutes apply to credentials, as
14 defined in s. 440.01 (2) (a).

15 **SECTION 3.** 101.874 (2) of the statutes is amended to read:

16 101.874 (2) The department may enter into a reciprocal agreement with
17 another state under which credentials issued to electricians, electrical apprentices,
18 electrical contractors, and electrical inspectors by either state are recognized as
19 comparable credentials by the other state. ~~Under~~ Except as provided under sub. (4),
20 under the agreement, the department may recognize credentials from the other state
21 only if the education, experience, and examination requirements in the other state
22 are at least equivalent to the education, experience, and examination requirements
23 for being issued credentials under this subchapter.

24 **SECTION 4.** 101.874 (3) (intro.) of the statutes is amended to read:

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1 101.874 (3) (intro.) Upon entering into an agreement under this section, the
2 department may issue a credential under the agreement only if all of the following
3 apply:

4 **SECTION 5.** 101.874 (4) of the statutes is created to read:

5 101.874 (4) Notwithstanding any agreement the department enters into under
6 this section, the department shall grant a reciprocal credential under s. 440.09 (3m)
7 to an individual who meets the requirements under s. 440.09 (3m).

8 **SECTION 6.** 440.09 (title) of the statutes is amended to read:

9 **440.09** (title) **Reciprocal credentials for service members, former**
10 **service members, and their spouses.**

11 **SECTION 7.** 440.09 (1) (title) of the statutes is created to read:

12 440.09 (1) (title) DEFINITIONS.

13 **SECTION 8.** 440.09 (1m) of the statutes is created to read:

14 440.09 (1m) RECIPROCAL CREDENTIALS; GENERALLY. In addition to any provisions
15 allowing an individual to be granted a reciprocal credential, an individual may be
16 granted a reciprocal credential under sub. (2e) or (3m). Subject to sub. (2e) (c), an
17 individual who is granted a reciprocal credential under sub. (2e) or (3m) shall
18 otherwise be considered to hold the applicable credential under, and be subject to, the
19 applicable provisions governing that credential.

20 **SECTION 9.** 440.09 (2) of the statutes is renumbered 440.09 (2e) (a).

21 **SECTION 10.** 440.09 (2e) (title) of the statutes is created to read:

22 440.09 (2e) (title) RECIPROCAL CREDENTIALS FOR SERVICE MEMBERS, FORMER
23 SERVICE MEMBERS, AND THEIR SPOUSES.

24 **SECTION 11.** 440.09 (2m) of the statutes is renumbered 440.09 (2e) (b) and
25 amended to read:

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1 440.09 (2e) (b) If an individual is unable to provide documentation under this
2 subsection that the individual is a service member, former service member, or the
3 spouse of a service member or former service member, the individual may submit an
4 affidavit to the department or credentialing board, as appropriate, stating that the
5 individual is a service member, former service member, or the spouse of a service
6 member or former service member.

7 **SECTION 12.** 440.09 (3) (a) of the statutes is renumbered 440.09 (2e) (c) 1. and
8 amended to read:

9 440.09 (2e) (c) 1. A reciprocal credential granted under this ~~section~~ subsection
10 expires on the applicable renewal date specified in s. 440.08 (2) (a), except that if the
11 first renewal date specified in s. 440.08 (2) (a) after the date on which the credential
12 is granted is within 180 days of the date on which the credential is granted, the
13 credential expires on the 2nd renewal date specified in s. 440.08 (2) (a) after the date
14 on which the credential is granted.

15 **SECTION 13.** 440.09 (3) (b) of the statutes is renumbered 440.09 (2e) (c) 2. and
16 amended to read:

17 440.09 (2e) (c) 2. The department or credentialing board, as appropriate, shall
18 grant a renewed reciprocal credential under this subsection to an applicant who pays
19 the renewal fee specified under s. 440.05 (2) and satisfies the requirements that
20 apply for renewing that credential.

21 **SECTION 14.** 440.09 (3m) of the statutes is created to read:

22 440.09 (3m) RECIPROCAL CREDENTIALS FOR OUT-OF-STATE CREDENTIAL HOLDERS.
23 (a) Except as provided in par. (b), the department and each credentialing board shall
24 grant a reciprocal credential to an individual who the department or credentialing
25 board determines meets all of the following requirements:

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1 1. The individual applies for a reciprocal credential under this subsection on
2 a form prescribed by the department or credentialing board.

3 2. The individual holds a license, certification, registration, or permit that was
4 granted by another state that qualifies the individual to perform the acts authorized
5 under the appropriate credential granted by the department or credentialing board
6 and all of the following apply:

7 a. The individual has held that license, certification, registration, or permit for
8 at least one year.

9 b. When the individual was granted that license, certification, registration, or
10 permit, there were minimum education requirements and, if applicable, work
11 experience and clinical supervision requirements in effect, and the other state
12 verifies that the individual met those requirements in order to receive that license,
13 certification, registration, or permit.

14 3. The individual establishes residence in this state.

15 4. The individual previously passed all examinations required for the license,
16 certification, registration, or permit in the other state, if required by the other state.

17 5. The individual has not had a license, certification, registration, or permit
18 revoked and has not voluntarily surrendered a license, certification, registration, or
19 permit in another state or country while under investigation for unprofessional
20 conduct.

21 6. The individual has not had discipline imposed by a regulating entity in
22 another state or country, except that if a regulating entity in another state or country
23 has taken disciplinary action against the individual, the department or the
24 credentialing board shall determine if the cause for the action was corrected and the
25 matter resolved, and if the matter has been resolved, the department or the

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1 credentialing board shall grant the reciprocal credential if the other requirements
2 in this paragraph are satisfied.

3 7. The individual does not have a complaint, allegation, or investigation
4 pending before a regulating entity in another state or country that relates to
5 unprofessional conduct. If the individual has any complaint, allegation, or
6 investigation pending, the department or credentialing board shall suspend the
7 application process and may not grant or deny a reciprocal credential to the
8 individual until the complaint, allegation, or investigation is resolved.

9 8. The individual does not have an arrest record, as defined in s. 111.32 (1), or
10 a conviction record, as defined in s. 111.32 (3), that would disqualify the individual
11 from being granted that credential under the applicable provisions governing that
12 credential.

13 9. The individual passes an examination on the laws of this state, if required
14 for other applicants for that credential under the applicable provisions governing
15 that credential.

16 10. The individual pays all applicable fees, including the fee specified under s.
17 440.05 (2).

18 (b) 1. Paragraph (a) does not apply to any credentials or other forms of
19 permission granted pursuant to an interstate compact or to the extent that its
20 application conflicts with an interstate compact.

21 2. Paragraph (a) does not apply to the extent that its application conflicts with
22 any federal law.

23 3. Paragraph (a) does not apply to any credentials or activities regulated under
24 s. 440.26, subch. IV or V of ch. 440, or ch. 444, 463, or 470.

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1 (c) The department and any credentialing board to which this subsection
2 applies shall promulgate rules to implement par. (a) but may not require any
3 requirements other than those specified in par. (a) to be satisfied in order for an
4 individual to be granted a reciprocal credential under par. (a).

5 **SECTION 15.** 440.09 (4) of the statutes is renumbered 440.09 (2e) (d) and
6 amended to read:

7 440.09 (2e) (d) The department or credentialing board, as appropriate, shall
8 expedite the issuance of a reciprocal credential granted under this ~~section~~
9 subsection.

10 **SECTION 16.** 440.09 (5) of the statutes is renumbered 440.09 (2e) (e) and
11 amended to read:

12 440.09 (2e) (e) The department or credentialing board, as appropriate, may
13 promulgate rules necessary to implement this ~~section~~ subsection.

14 **SECTION 17. Nonstatutory provisions.**

15 (1) RECIPROCAL LICENSES; TEMPORARY FEE WAIVER. Notwithstanding ss. 89.063,
16 89.072 (3) (a) 10., 101.82 (4), 440.05, and 440.09 (3m) (a) 10. and the applicable fee
17 provisions in chs. 440 to 480, a person who submits an application for a reciprocal
18 credential under s. 89.072 (3) or 440.09 (3m) no later than the first day of the 13th
19 month beginning after the effective date of this subsection is not required to pay any
20 fee for an initial reciprocal credential.

21 (END)