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December 12, 2013

Assembly Committee on State Affairs and Government Operations

Public Hearing

1:00 PM – 225 Northwest

Chairman Weininger and Members of the Committee:

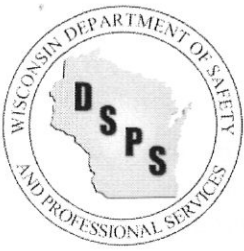
I want to thank you for the opportunity to speak on behalf of AB 433/SB 345. This legislation serves to clarify the authority and responsibility of the Department of Safety and Professional Services (DPS) and the various boards that fall under the department's jurisdiction.

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

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

Thank you,


Dale P. Kooyenga



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Date: Thursday, December 12, 2013

To: Members of the Assembly Committee on State Affairs and Government Operations

From: Jeff Weigand, Legislative Liaison, Department of Safety and Professional Services

RE: Testimony in Support of Assembly Bill 433

Thank you Chair Weininger and members of the Assembly Committee on Affairs and Government Operations for the opportunity to testify in support of Assembly Bill 433. The Department of Safety and Professional Services (DPS) supports AB 433 and we would like to express our thanks to Representative Kooyenga for authoring this legislation. Additionally, we would like to express our appreciation to Senator Lasee for authoring the Senate's companion bill, SB 345.

The provisions of AB 433 have been recommended by boards and councils under the DPS. The changes will clarify provisions in current law to allow the boards the flexibility to manage the renewal of licenses, manage the prescription drug monitoring program, and make various changes related to the inspection of elevators. Additionally, the legislation changes the makeup of the cosmetology board to better reflect the practice within that profession. AB 433 would also bring Wisconsin statutes into compliance with federal laws as they relate to real estate appraisers. There are other changes I will briefly outline during my testimony, and are included in the summary items of my written testimony.

I would also like to point out that AB 433 will need to be amended in order to correct a drafting error that was discovered after the legislation was introduced. That change has been included in my testimony.

Summary of the changes in AB 433

- 1. Prescription Drug Monitoring Program (PDMP) Clean-up** – As implementation of the PDMP has progressed, staff have found the statutes governing the program need minor clarifications, as well as clean-up of outdated language. The bill creates an exemption from the PDMP for schedule V controlled substances if the substance is not a narcotic and the prescription order is for a number of doses that is intended to last the patient seven days or less. By making the seven-day change, Wisconsin PDMP law will be consistent with the PDMP laws of our surrounding states.
- 2. Pharmacist License Late Renewal** – Currently, if a pharmacist misses the deadline for license renewal, it may result in the termination of their ability to practice. This change would give the Pharmacy Examining Board the flexibility to suspend the license of a pharmacist who is not in compliance with their renewal requirements rather than having to terminate the license altogether.

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

11. **Non-Response to a Department Investigator** – Current law is inconsistent from profession to profession on whether it is misconduct to ignore a department investigator. This provision provides that it is misconduct for any licensed professional not to respond to an investigator’s request for information within 30 days.
12. **Professional Engineer Section Name** – Statutes are inconsistent in how they refer to the Professional Engineer Section of the Joint Examining Board of Architects, Designers, Engineers, Landscape Architects and Land Surveyors. This provision clarifies the name to the “Professional Engineer Section”.
13. **Real Estate Language Clean-Up** – When the Real Estate Examining Board was created in 2011, language from a previous version of the statute was inadvertently left intact. This provision deletes the unnecessary language.
14. **Fingerprinting for Real Estate Appraiser Licensure** – Federal Real Property Appraiser Qualification Criteria requiring the fingerprinting of real estate appraisers performing appraisals on federal loans (FHA, VA, HUD) was enacted as a part of the Dodd-Frank Act. Current state law prohibits the fingerprinting of most licensees – including real estate appraisers. SB 345 allows Wisconsin real estate appraisers to be fingerprinted, bringing our statutes in compliance with federal law, and allowing Wisconsin real estate appraisers to work on federal loans.
15. **Home Inspector Continuing Education** – Under current law, home inspectors are required to take 20 hours of continuing education per year. This annual requirement is inconsistent with other two-year license professions, which generally have biennial requirements. The discrepancy has caused confusion in the industry with some inspectors receiving a total of 40 hours over two years.
16. **Dane County POWTS Program** – Under current law, any county under 500,000 in population may administer its own Private Onsite Wastewater Treatment System (POWTS) program. Dane County currently administers its own POWTS program under this law but will soon exceed 500,000 in population, putting it over the threshold for being allowed to have such a program. This provision raises the population threshold to 750,000 so that Dane County can maintain its current program.

Again, thank you for the opportunity to testify in support of AB 433 and I will try to address any questions that committee members may have.



Alliance for Regulatory Coordination

Testimony in Support of Assembly Bill 433

Before the Assembly Committee on State Affairs and Government Operation

December 12, 2013

Good Afternoon!

I am Bob DuPont, founder of the Alliance for Regulatory Coordination.

The Alliance for Regulatory Coordination is a consortium of 16 business, professional, trade and advocacy organizations involved in building design, construction and regulatory services. The Alliance seeks regulatory services provided in the most efficient manner possible while promoting the health, safety and welfare of Wisconsin citizens and visitors.

The Alliance for Regulatory Coordination supports Assembly Bill 433 because it promotes municipal administration of state safety and health codes in coordination with the Department of Safety and Professional Services.

We specifically support those aspects of this bill which relate to approval, inspection and permitting of conveyances under Chapter 101, and those aspects concerning the regulation of private on-site waste water treatment systems under Chapter 145.

Thank you.

Please see reverse side for list of Alliance members.



Alliance for Regulatory Coordination

Classic Members

Associated Builders and Contractors of Wisconsin
International Association of Electrical Inspectors, Wisconsin Chapter
National Electrical Contractors Association, Wisconsin Chapter
Plumbers Union Local 75
Plumbing-Heating-Cooling Contractors, Wisconsin Association
Wisconsin Code Officials Alliance
Wisconsin Fire Protection Coalition
Wisconsin Insurance Alliance
Wisconsin State Fire Chief's Association
Wisconsin State Fire Inspectors Association

Associate Members

Association of Licensed Architects - Wisconsin
Professional Fire Fighters of Wisconsin
Water Quality Association of Wisconsin
Wisconsin Alliance for Fire Safety
Wisconsin Propane Gas Association

Supporting Members

International Code Council