



DAVE MURPHY

State Representative • 56th Assembly District

Assembly Committee on Regulatory Licensing Reform

Public Hearing, March 16, 2022

Assembly Bill 902

Testimony of State Representative Dave Murphy

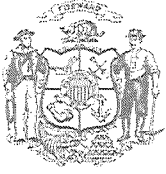
Mr. Chair and members of the committee, thank you for hearing Assembly Bill 902 today.

Most professions that Wisconsin has opted to regulate through licensing have national standards that vary little from state to state. With competition for skilled workers higher than ever, other states are offering reciprocal licenses to qualified individuals. Wisconsin cannot afford to fall behind other states in attracting these skilled employees to live and work in our state.

Assembly Bill 902 expands a process currently available to service members, former service members, and spouses of service members currently residing in Wisconsin that allows them to obtain a reciprocal credential. The goal was to quickly address Wisconsin's skilled employee shortage, particularly in the health care industry, by expanding an already proven process.

After meeting with a number of organizations representing professions, it became clear that a one size fits all approach was not appropriate, particularly for fields where laws and regulations are significantly different from state to state. As a former real estate broker, I completely understand why it's critical to have a deep understanding of Wisconsin real estate laws and that being licensed in Illinois or any other state wouldn't provide this foundation.

I asked for a hearing on this bill today because I still believe we have a long way to go to improve our licensing and crediting laws. We need to remain competitive with other states in attracting and retaining these workers. I hope to get a better picture of the specific changes we need to make to this piece of legislation so we can reintroduce something next session that the governor will sign and everyone in this room can support.



ANDRÉ JACQUE

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*Testimony before the Assembly Committee on Regulatory Licensing Reform
State Senator André Jacque
March 16, 2022*

Chair Sortwell and Members of the Assembly Committee on Regulatory Licensing Reform,

Thank you for the opportunity to testify before you today on Assembly Bill 902, reciprocal credentials for workforce growth.

Shortages of licensed professionals in a number of critical fields have become increasingly acute in recent years. To help fill those gaps, we will be introducing legislation to establish reciprocal licensing in Wisconsin similar to what has already been implemented successfully in Arizona, and what was recently signed into law in Wisconsin for active duty military spouses and veterans and their spouses (2019 Wisconsin Act 143). Under AB 902, licensing boards will recognize out-of-state occupational licenses for people who:

- Have been licensed in their profession for at least one year
- Are in good standing in all states where they are licensed
- Do not have any past or pending investigations, complaints, or license revocations
- Establish residency in Wisconsin
- Pay applicable fees (waived for the next 12 months to deal with the current health crisis)
- Meet all testing and background check requirements per law

Individuals seeking to work in occupations that require a background check will still need to complete them, and additionally professionals receiving licenses under the new law can only become licensed in practice within areas they have been trained and certified to practice in their original state. Wisconsin licensing boards will be required to verify that an individual is in good standing in all states where they are licensed. Individual boards may have several pathways to licensure already in statute such as interstate compact, licensure by endorsement, reciprocity, etc. Ultimately, universal recognition is not meant to replace these pathways to licensure, but represents an important new pathway that expands the options available to those looking to join our workforce.

It's important to note that this law does not automatically recognize other states' occupational licenses. This means that workers licensed in other states will still need to apply for a license through the appropriate Wisconsin State licensing board. With the passage of this reform, Wisconsin's capacity to fill critical existing or impending vacancies in our workforce will be proactively and dramatically strengthened.

Thank you for your consideration of AB 902.



To: Assembly Committee on Regulatory Licensing Reform
From: Cori Lamont, Senior Director of Legal and Public Affairs
Date: March 16, 2022
RE: AB 902 – Reciprocal Credentials

The Wisconsin REALTORS® Association (WRA) has concerns about AB 902, legislation that creates a new reciprocal credentialing process at the Department of Safety and Professional Services (DSPS) and associated examining boards, including credentials issued by the Real Estate Examining Board (REEB).

The WRA appreciates the bill authors attempt to address concerns raised about allowing candidates to practice real estate in Wisconsin without the appropriate level of competency.

Background

While some professions may be heavily regulated by federal laws, thus making it easier to move from state-to-state, Wisconsin real estate transactions, the obligations and privileges surrounding Wisconsin real estate licensees are different than other states. Therefore, real estate licensees hold a unique license at DSPS for the following reasons:

Real estate is unlike other professions regulated by the DSPS.

- **No other profession regulated at DSPS has the same authority.** Wisconsin real estate licensees have a limited capacity to practice law. This authority has been acknowledged and granted under statute Wis. Stat. § 452.40 as an exception under Supreme Court Rule Chapter 23 Unauthorized Practice of Law and by the Wisconsin Supreme Court in *State ex rel. Reynolds v. Dinger* in 1961.

Accordingly, real estate licensees are permitted, with established parameters in law, to draft real estate contracts on behalf of others in the single largest investment in an individual's lifetime.

The credential issued by the REEB grants a real estate licensee that through statute, Supreme Court Rule, and case law, allows Wisconsin real estate licensees the limited right to practice law.

- **Regulation of Wisconsin real estate licensees is Wisconsin specific.** Wisconsin real estate licensees must use state-approved (WB) forms by completing the blank lines, using additional provisions and addenda for the purpose of accomplishing the objectives of the party in a specific real estate transaction. When a WB form is not available, Wisconsin law provides specific direction as to the practice. WB forms are updated regularly to address legal and transactional changes. Lastly, Wisconsin statute and administrative code allows real estate licensees to provide a general explanation of approved forms.

- **Without exemption, all Wisconsin real state license applicants must pass the Wisconsin license examination.** While education requirements may vary depending on reciprocal agreements between states, all individuals granted a Wisconsin real estate license must complete the state license exam(s) to ensure a basic level of competency to provide brokerage services in this state, including applicants licensed in other states and Wisconsin attorneys.

Wis. Stat. § 452.09(3) sets forth the competency requirements of applicants for sales and broker licenses and provides examinations, “shall reliably measure an applicant's ability to competently engage in real estate practice.” The REEB establishes the criteria for both the education curriculum and license examinations after consulting with the council on real estate curriculum and examinations. See Wis. Stat. § 452.05 (1)(c). The 7-member council, created under Wis. Stat. § 15.407(5), is comprised of five licensed broker or salesperson members and two public members. The council annually reviews the subjects covered on each of the license exams¹.

Wisconsin has well-established reciprocal requirements for out-of-state applicants in Administrative Code and education requirements. See Wis. Admin. Code Ch. § REEB 12 and Wis. Admin. Code Ch. § REEB 25, respectively.

For these reasons, WRA expresses concerns as to the current language of AB 902.

¹ Wis. Stat. § 452.06(2)(b). After consultation with the council on real estate curriculum and examinations, promulgate rules establishing criteria for the approval of educational programs and training sessions under s. 452.09 (2) and approve such programs and sessions in accordance with the established criteria.

NASW WI TESTIMONY ON ASSEMBLY BILL 902

Chairperson Sortwell and members of the Assembly Committee on Regulatory Reform

I appreciate this opportunity to speak on Assembly Bill 902.

For many years I have struggled with helping licensed clinical social workers from other states get licensed in Wisconsin. The process was often slow and tedious. It required the applicant to go back in history and get verifications from previous supervisors, sometimes going back decades to verify their supervised clinical experience. They also had to verify that they had the proper coursework and field experience in graduate school.

I have often felt this process was unnecessary for many of the applicants who had years, often decades of clinical social work experience. On the other hand, there have been applicants through this process who were properly denied licensure in Wisconsin because they did not have the training and experience to provide psychotherapy safely to clients. In the past the Department used to hold open hearings for those applicants who were denied licensure. I would always attend these hearings and saw that there were applicants who did not know how to properly assess or treat someone with a mental illness. In these cases, it was important for the benefit of Wisconsin consumers to verify their experience and training.

Our national office, along with several other national social work organizations recently received a Department of Defense grant to develop a Compact for the social work profession. Hopefully by a year from now, their work will be completed, and I will be able to present a proposal for Compact legislation for the social work profession to the Wisconsin Legislature. This legislation will require some states that I referenced above to increase their standards and some other states, possibly including Wisconsin, to slightly lower their standards. When a Compact is fully implemented the process to getting licensed in another state will be quick and easy. Once implemented it will be a huge benefit to Wisconsin residents who need mental health and other social work services as reciprocity will be an easy and very quick process.

This bill, therefore, will not be necessary for our profession since our profession will have a Compact proposal likely within a year. The bill could also be potentially harmful to Wisconsin consumers as there are some states that provide an LCSW to individuals who don't really have experience providing psychotherapy. Each profession needs to determine what makes sense for them in the reciprocity process and we will do so in our profession.

I would be happy to answer any questions.

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**Wisconsin Institute of
Certified Public Accountants**

DATE: March 15, 2022

TO: Chair Sortwell and members of the Assembly Committee on Regulatory Licensing Reform

FROM: Tammy Hofstede, President & CEO
Wisconsin Institute of Certified Public Accountants

RE: Oppose AB902/SB469 authored by Rep. Murphy, Rep. Horlacher, Rep. Brandtjen, Rep. Cabral-Guevara, Rep. Dittrich, Rep. Edming, Rep. Moses, Rep. Rozar, Rep. Thiesfeldt, Rep. Wichgers, Rep. Knodl and Senator Jacque and Senator Nass

Thank you, Chair Sortwell and members of this committee, for the opportunity to submit written testimony today on AB902/SB469. The Wisconsin Institute of CPAs (WICPA) represents over 7,100 members across this state and over 12,000 licensed CPAs in Wisconsin. We submitted testimony last month before the Senate Committee on this identical bill. SB469, even as it was amended, still needs work. We have conveyed this to the lead authors Senator Jacque and Rep. Murphy and that we look forward to working with them throughout the remainder of the year to shift our current opposition to support. This written testimony conveys our remaining concerns.

The WICPA, with collaboration and discussions with lead authors, the following concerns can be addressed:

AB902 and SB469 establish a process for credential holders from other states to obtain reciprocal credentials to practice their professions in Wisconsin.

- Yet, the bill does not account for those professions with an existing system of reciprocity and could negatively impact the consumers and businesses within Wisconsin. For decades the CPA mobility model has successfully allowed qualified credential holders from other states to practice responsibly in Wisconsin.
- CPAs enjoy a 50+ jurisdictional mobility model, while ensure consumer protection. All accounting boards in the United States have adopted “substantial equivalency” to ensure all CPAs are licensed and regulated *equally and consistently* --regardless of where they practice or who employs them.
- Assembly Bill 902/Senate Bill 469 undermines the current license and mobility systems for certified public accountants that has well served the consumers in Wisconsin for decades.

- Unless the bill is further amended, the bill forces the acceptance of out-of-state licenses *with no assurance of minimum qualifications or accountability measures for proper practice.*
- While the bill's aim is to reduce barriers to practice one's profession, we believe the authors did not fully vet the new barriers for public accounting practice they created with the bill in its current format. Because of this, these companion bills undo what has been working successfully for decades with a widely established system of reciprocity.
- The bill also does not make the critical distinction between occupational licensing and professional licensing. Occupations are significantly different from professions with high public impact such as CPAs, architects, engineers, and surveyors. It is important to recognize that qualifications should matter.

The main authors have already agreed the bill they plan to introduce next session will look a bit different than it does now. We look forward to working with them to make this bill acceptable to the Wisconsin Institute of CPAs. When the bill is reintroduced next session, it needs to acknowledge the existing systems of reciprocity for CPAs and remove a residency requirement that is not required under current law because it does not account for the ways in which business is conducted across state borders. The CPA profession in Wisconsin already has an existing system of reciprocity and mobility. It already successfully allows credential holders from other states to practice in Wisconsin.

Suggested Language – Assembly Bill 902/Senate Bill 469

Amend Section 14 by deleting section (3):

~~3. The individual establishes residence in this state.~~

Amend Section 14 by adding:

10. The individual pays all applicable fees, including the fee specified under s. 17440.05

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

(c) Paragraph (a) does not apply if a board has entered into a national reciprocal or endorsement agreement with one or more states; those agreements remain in effect.

(d) Nothing in this section supersedes a compact or reciprocity or comity agreement; established by the Legislature or board.

Remove language related to practice of law.

We look forward to working with the authors over the next several months to make these changes. Thank you for your time and consideration. For more information I can be reached at 262-893-8963 or tammy@wicpa.org or via our legislative counsel, Alice O'Connor at aoc@constituency services or 608-225-9391.



DATE: March 16, 2022
TO: Members of the Assembly Committee on Regulatory Licensing Reform
FROM: Tracey Elmes, MS, RDN & Cassie Vanderwall, PhD, RDN, CDCES, FAND
The Wisconsin Academy of Nutrition and Dietetics
RE: Assembly Bill 902

Thank you for the opportunity to provide testimony for informational purposes on Assembly Bill 902.

My name is Tracey Elmes and I work as a Clinical Registered Dietitian Nutritionist at SSM Health St Mary's Care Center, which is a 184 bed skilled nursing facility here in Madison. I completed my undergraduate degree at Miami University in Oxford, Ohio and Dietetic Internship and Master's Degree in Clinical Nutrition at Rush University Medical Center in Chicago and have been practicing for over 25 years. I currently also serve as the Public Policy Coordinator for the Wisconsin Academy of Nutrition and Dietetics

My name is Cassie Vanderwall and I am teaching faculty at the School of Medicine and Public Health at UW-Madison with clinical and administrative experiences within Clinical Nutrition at UW Health. I completed my B.S. at the Univ of IL in Urbana Champaign and my M.S. in conjunction with my dietetic internship at Rush University in Chicago. I returned to Rush recently to complete my PhD in Health Sciences. I presently serve as the consumer protection coordinator for the WI Academy of Nutrition and Dietetics.

Thank you for the opportunity to submit testimony on the benefits of professional regulation for the purposes of inter-state reciprocity from the perspective of a credentialed healthcare provider currently regulated by DSPS. We are representing the opinion of the Wisconsin Academy of Nutrition and Dietetics (WAND), a statewide organization for over 1500 registered dietitian nutritionists (RDNs) and dietetic technicians, registered (DTRs).

Credentialed nutritionists, or dietitians, are qualified to provide Medical Nutrition Therapy (MNT) and in many states are the sole provider of the nutrition care process, which includes MNT. This therapy entails a detailed nutrition, social and medical history and a nutrition-related physical exam. These data are used to craft an individualized therapeutic diet that is prescriptive in calories, protein, vitamins, minerals and fluids. RDNs and DTRs work alongside physicians, nurses and other allied healthcare professionals on the multidisciplinary healthcare teams in a variety of settings from farm to fork.

To obtain the RDN credential, an individual must earn a B.S. degree and complete a minimum of 1200 hours of supervised dietetic practice before being eligible to sit for the National Credentialing Exam through the Commission on Dietetic Registration. In 2024, the profession will require a graduate degree before eligibility is granted for the board exam. Once credentialed, RDNs must maintain 75 hours of continuing education every 5 years. We appreciate that this legislation ensures all meet testing requirements per law.

These academic and professional qualifications define credentialed nutritionists, or dietitians, and are not prohibitive to individuals entering the nutrition workforce; there are over 25 jobs and opportunities for non-credentialed nutritionists in the field of food and nutrition including health and wellness coaching, nutrition consulting which supports general nutrition programming or nutrient analyses, as well as dietary aides in more acute healthcare settings.

Dietitians and nutrition professionals within WAND are continually striving to promote the health and safety of the public we support with medical nutrition therapies. Credentialing is essential to ensuring consumer safety and protection as is described in AB 902 to ensure that providers do not have any pending investigations, complaints or revocations of their professional certification.

Professional regulation elevates a profession and provides a mechanism for oversight to ensure safe, evidence-based practice that promotes health and wellbeing and reduces the risk of harm. We'd like to take a brief moment to share two accounts where non-RDNs provided MNT that resulted in harm.

One such story is about a patient who was pursuing a kidney transplant and thus was following a complicated diet restricted in salt, potassium and phosphorus. He had recently joined a gym and a trainer was encouraging him to follow a Paleo diet, which is quite high in the restricted nutrients. The patient consulted his RDN before making the change and likely saved his own life.

Another story involves a young girl with type I diabetes- her body doesn't make insulin on its own. She was experiencing significant digestive distress and consulted a nutritionist who was not credentialed in the area under the supervision of her mother. This provider encouraged her to follow a very low carbohydrate diet as a remedy for her GI issues. After 2 weeks on this plan, she had lost a significant amount of weight and presented in the emergency department with diabetes ketoacidosis as a result of inadequate energy, carbohydrate and insulin. After her blood sugars were stabilized and she was rehydrated, she was referred to the credentialed nutritionists at a digestive health center and has now restored her weight, energy and is free from the digestive ailments, too.

These stories highlight the necessity for evidence-informed training and practice, as well as supervision in the field of nutrition.

The COVID-19 pandemic ushered in a wide array of telehealth opportunities that were swiftly adopted by members of the healthcare community to continue care for our patients. Prior to the pandemic, patients would travel to receive care within WI. This was brought to a strict halt with the issuance of safer at home orders. In order to maintain care and connection with patients, dietitians within WI had to obtain licensure from neighboring states in order to engage in inter-state practice. This process would have been simplified if RDNs in WI were licensed. All surrounding states including North and South Dakota, Minnesota, Iowa, Illinois and Indiana all maintain professional licensure for dietitians within their state. Wisconsin is the sole Midwestern state that credentials RDNs as "certified" vs "licensed".

As proponents of good stewardship, we at WAND advocate for appropriate analysis of the costs associated with professional regulation. At present, UW Health requires RDNs to be licensed in Illinois and certified in Wisconsin. We want to be able to provide the most quality and cost-effective nutrition care possible and keep monies within our state. We can do this by supporting reciprocal credentials and professional licensing in WI for RDNs.

RDNs are focused on quality care and continued improvement. We encourage the requirement for all professions regulated by DSPS to do the same as suggested in Assembly Bill 902.

If you have any questions, please contact WAND's government affairs team - Nathan Butzlaff, nathan@hovenconsulting.com or Tim Hoven (tim@hovenconsulting.com, 414-305-2011).