



WEB/TELECONFERENCE
PODIATRISTS AFFILIATED CREDENTIALING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
February 4, 2014

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Adoption of Agenda**
- B) Welcome New Members**
- C) Approval of Minutes of October 24, 2013 (5-8)**
- D) Administrative Updates**
 - 1) Staff Updates
 - 2) Study on the Potential Consolidation of the Department of Agriculture, Trade and Consumer Protection with the Department of Safety and Professional Services (Proposing a New Department of Agriculture, Regulation and Trade, or “DART”) Report – Discussion of Findings and Recommendations **(9-138)**
 - 3) Board Member Training – February 28, 2014
 - 4) Election of Officers
 - a) Chair
 - b) Vice Chair
 - c) Secretary
 - 5) Appointment of Liaisons, Alternates, and Delegates
 - a) Credentialing Liaison and Alternate
 - b) Monitoring Liaison and Alternate
 - c) Education and Exams Liaison and Alternate
 - d) Legislative Liaison and Alternate
 - e) Travel Liaison and Alternate
 - f) Rules Liaison
 - g) Professional Assistance Procedure Liaison
 - h) Other Liaison(s)
 - i) Screening Panel (4 Members)
 - j) Delegated Authority Motions **(139-140)**

- E) **Discussion of Orders from Other State Medical Boards Relating to Overbilling and Overtreatment (141-190)**
- F) **Legislative/Administrative Rule Matters**
- 1) **10:00 A.M. Public Hearing:** Clearinghouse Report 13-110, relating to Podiatry X-ray Assistants [POD 1.02, 1.02 (2m), 1.02 (6m), and 7.01, Wis. Admin. Code] **(191-196)**
 - 2) Review and Approval of Clearinghouse Report 13-110 **(197-202)**
 - 3) Review and Approval of the Legislative Report regarding Clearinghouse Report 13-110 **(203-206)**
 - 4) Review and Approval of Scope Statement for 165-Pod 4.01, Wis. Admin. Code, relating to Biennial Registration **(207-210)**
 - 5) Review and Consideration of 165-3.01 and 3.04, Wis. Admin. Code, relating to Continuing Education Audits for Podiatrists – Preliminary Rule Draft **(211-216)**
 - 6) Adoption of Rulemaking Order for Clearinghouse Report 12-047 [POD 1.08 (5), 3.02 (4), and 3.03 (3), Wis. Admin. Code] **(217-222)**
 - 7) Review and Approval of Revisions to POD 1.01, Relating to X-Ray by Unlicensed Personnel **(223-228)**
- G) **Items Added After Preparation of Agenda:**
- 1) Introductions, Announcements and Recognition
 - 2) Administrative Updates
 - 3) Education and Examination Matters
 - 4) Credentialing Matters
 - 5) Practice Matters
 - 6) Legislation/Administrative Rule Matters
 - 7) Liaison Report(s)
 - 8) Informational Item(s)
 - 9) Disciplinary Matters
 - 10) Presentations of Petition(s) for Summary Suspension
 - 11) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
 - 12) Presentation of Proposed Decisions
 - 13) Presentation of Interim Order(s)
 - 14) Petitions for Re-Hearing
 - 15) Petitions for Assessments
 - 16) Petitions to Vacate Order(s)
 - 17) Petitions for Designation of Hearing Examiner
 - 18) Requests for Disciplinary Proceeding Presentations
 - 19) Motions
 - 20) Petitions
 - 21) Appearances from Requests Received or Renewed
 - 22) Speaking Engagement(s), Travel, or Public Relation Request(s)
- H) **Public Comments**

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 448.02(8), Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

- I) **Case Status Report (229-230)**
- J) Case Closing(s)
- K) Deliberation of Items Added After Preparation of the Agenda
 - 1) Education and Examination Matters
 - 2) Credentialing Matters
 - 3) Disciplinary Matters
 - 4) Monitoring Matters
 - 5) Professional Assistance Procedure (PAP) Matters
 - 6) Petition(s) for Summary Suspensions
 - 7) Proposed Stipulations, Final Decisions and Orders
 - 8) Administrative Warnings
 - 9) Proposed Decisions
 - 10) Matters Relating to Costs
 - 11) Case Closings
 - 12) Case Status Report
 - 13) Petition(s) for Extension of Time
 - 14) Proposed Interim Orders
 - 15) Petitions for Assessments and Evaluations
 - 16) Petitions to Vacate Orders
 - 17) Remedial Education Cases
 - 18) Motions
 - 19) Petitions for Re-Hearing
 - 20) Appearances from Requests Received or Renewed
- L) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- M) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate
- N) Open Session Items Noticed Above not Completed in the Initial Open Session

ADJOURNMENT

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**PODIATRY AFFILIATED CREDENTIALING BOARD
OCTOBER 24, 2013
VIRTUAL MEETING MINUTES**

PRESENT: Gary Brown; Thomas Komp, DPM; William Weis, DPM

EXCUSED: Jeffery Giesking, DPM

STAFF: Tom Ryan, Executive Director; Karen Rude-Evans, Bureau Assistant

CALL TO ORDER

William Weis, Chair, called the meeting to order at 9:06 a.m. A quorum of three (3) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- Item F – Executive Director Tom Ryan will give the presentation on the DSPS Economic Impact Report
- Item K – Correspondence from Jason Beaudreau is removed from the agenda.

MOTION: Gary Brown moved, seconded by Thomas Komp, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 23, 2013

MOTION: Thomas Komp moved, seconded by Gary Brown, to approve the minutes of August 23, 2013 as written. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Scope Statement on s. POD 3.01 and POD 3.04 Relating to Continuing Education Audit

MOTION: Thomas Komp moved, seconded by Gary Brown, to approve the scope statement as amended and submit the scope statement to the Governor's office and publication and to authorize the Chair to approve the scope statement for implementation no less than 10 days after publication. Motion carried unanimously.

POD 3.01, 4.01 and 4.03(2) and s. 440.08(2)(a) and 4482665 Stats., For the Purpose of Determining the Biennial Registration Date

MOTION: Thomas Komp moved, seconded by Gary Brown, to have Department staff draft a scope statement to address Wis. Stat. s. 448.665 changing “calendar year” to “two consecutive years” and change the registration date requirement from November 1 of each odd-numbered year to November 1 of each even-numbered year to correspond to the prevailing statute Wis. Stat. s. 440.08(2)(a)60. Motion carried unanimously.

CR 12-047 POD 1.05(5) Relating to Temporary Educational License and Continuing Education

MOTION: Thomas Komp moved, seconded by Gary Brown, to accept the draft and authorize filing with the Legislature. Motion carried unanimously.

Medical Examining Board’s Recommendation on s 165-POD 1.02, 7 – Podiatric X-Ray Assistants

MOTION: Thomas Komp moved, seconded by Gary Brown, to delegate to William Weis the authority to review the language regarding a written examination requirement and to authorize William Weis to approve the draft for filing with the Clearinghouse. Motion carried unanimously.

POD 1.01 X-Ray by Unlicensed Personnel

This item was tabled to the next meeting.

ARTICLE BY CARL AMERINGER, STATE MEDICAL BOARDS AND THE PROBLEM OF UNNECESARY CARE AND TREATMENT

MOTION: Thomas Komp moved, seconded by Gary Brown, to research Wisconsin and other states’ laws regarding discipline for physician or podiatrist over-utilization and to communicate results to the Medical Examining Board. Motion carried unanimously.

CLOSED SESSION

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

MOTION: William Weis moved seconded by Thomas Komp, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). William Weis read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Gary Brown-yes; Thomas Komp-yes; and William Weis-yes. Motion carried unanimously.

Open session recessed at 10:37 a.m.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: William Weis moved, seconded by Gary Brown, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 10:43 a.m.

CASE CLOSING(S)

MOTION: Gary Brown moved, seconded by Thomas Komp, to close case **13 POD 013 for prosecutorial discretion**. Motion carried unanimously.

REAFFIRM ALL VOTES MADE IN CLOSED SESSION

MOTION: Thomas Komp moved, seconded by Gary Brown, to reaffirm all votes made in closed session. Motion carried unanimously.

DELEGATION OF SIGNATURE AUTHORITY

MOTION: Thomas Komp moved, seconded by Gary Brown, to delegate authority to Department staff to sign on a board member's behalf all rule matters on today's agenda. Motion carried unanimously.

Podiatry Affiliated Credentialing Board

October 24, 2013 Minutes

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ADJOURNMENT

MOTION: William Weis moved, seconded by Gary Brown, to adjourn the meeting.
Motion carried unanimously.

The meeting adjourned at 10:46 a.m.

DRAFT

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Daniel Agne, Bureau Assistant on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 1/8/14	
		Items will be considered late if submitted after 4:30 p.m. on the deadline date: <ul style="list-style-type: none"> ▪ 8 business days before the meeting for paperless boards ▪ 14 business days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Podiatrists Affiliated Credentialing Board			
4) Meeting Date: 2/4/14	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Study on the Potential Consolidation of the Department of Agriculture, Trade and Consumer Protection with the DSPS (DART) Report - Discussion of Findings and Recommendations	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Review and discussion of Dept of Administration's study on potentially consolidating DATCP and DSPS into the "Department of Agriculture, Regulation and Trade." Also, review related email from Tom Engels.			
11) Authorization			
Daniel Agne			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

From: [Engels, Tom - DSPS](#)
Subject: DART Study Report
Date: Monday, December 30, 2013 2:30:10 PM

To: DSPS Staff
From: Tom Engels, DSPS Assistant Deputy Secretary

The Department of Administration has prepared a report on the potential consolidation of the Department of Agriculture, Trade and Consumer Protection with the Department of Safety and Professional Services, in response to requirements of 2013 Wisconsin Act 20, Section 9101(3s).

The 2013-15 biennial budget required the Department of Administration to conduct a study to determine the appropriateness of combining the functions currently performed by the Department of Agriculture, Trade and Consumer Protection with services provided by the Department of Safety and Professional Services.

Here is a link to the full report your reference

http://legis.wisconsin.gov/lfb/jfc/reports/Documents/2013_12_26_DART%20Study.pdf

Below are the report's conclusions and recommendations, the first of which recommends against a consolidation of the two departments. I have underlined a sentence in the first bullet point which reflects the tremendous job done by staff here at DSPS.

Should you have any questions regarding the report, please do not hesitate to contact me.

Conclusions and Recommendations

- **Do Not Consolidate Agencies:** Due to limited overlap between agency customers, customer sentiment against a merger, potential administrative difficulties presented by the potential merger and limited potential for savings, the agencies should not be merged. A merger could risk losing the generally high performance ratings of both agencies, most notably the 65.8 percent of respondents that rated their interactions with the Department of Safety and Professional Services as "Good" or "Very Good".
- **Move the Veterinary Examining Board to the Department of Agriculture, Trade and Consumer Protection:** Due to the historical relationship between the Veterinary Board and the department, as well as the close relationship with the veterinary profession, the Veterinary Examining Board should be transferred.
- **Improve Board Staffing and Examine Board Powers:** In response to feedback from impacted stakeholder groups, the study recommends improvements to board staffing, training and document management. The Department of Safety and Professional Services began making changes to improve these areas in 2012, which may have not yet been reflected in stakeholder sentiment. Additionally, the study recommends that the powers and duties of existing examining and advisory boards should be examined, to standardize board practices, meeting schedules, actions on potential licenses and other issues. The study also recommends an examination of the overall practice of state licensure of professions.

- **Licensing Fees Charged by the Department of Safety and Professional Services should be Reexamined:** Most fees charged by the department are set administratively via a fee study, reviewed by the Joint Committee on Finance. These fees should be reexamined through the existing fee study process, with current budget assumptions.
- **Continue Agency Improvements on Document Management, Electronic Licensure and Electronic Communications:** The two departments have projects underway to improve document management, electronic licensing and customer communications. These projects should be continued, in close consultation with each other, other state agencies and the private sector.
- **The Department of Safety and Professional Services is a vital Point of Contact between the state and the public:** Over 380,000 individuals are licensed by the department in order to work in their chosen professions. Additionally, the department reviews the plans of most commercial buildings constructed in the state. This makes the agency one of the primary points of contact for state citizens. Efforts should be made to improve the customer service experience with the agency through additional LEAN Government/Six Sigma initiatives.

Tom Engels | Assistant Deputy Secretary | Wisconsin Dept. of Safety and Professional Services | 608.266.8608



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

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December 26, 2013

Senator Alberta Darling Co-Chair
Joint Committee on Finance
Room 317 East, State Capitol
Madison, WI 53707

Representative John Nygren, Co-Chair
Joint Committee on Finance
Room 309 East, State Capitol
Madison, WI 53708

Dear Senator Darling and Representative Nygren:

Enclosed please find a study on the consolidation of the Department of Safety and Professional Services and the Department of Agriculture, Trade and Consumer Protection, which was prepared in response to section 9101(3s) of 2013 Wisconsin Act 20.

The study consists of two documents. The first is the narrative of the study with appendices. The second document details the methodology and results of the survey used for stakeholder outreach. As the study does not recommend a merger of the two agencies, no draft legislation has been prepared and recommendations for the structure or makeup of a potential Department of Agriculture, Regulation and Trade are not included.

Please contact Andrew Hitt, Assistant Deputy Secretary, at 608-261-2299 or Andrew.Hitt@wisconsin.gov if you have any questions about this matter.

Sincerely,

Mike Huebsch
Secretary

cc: Members of Joint Committee on Finance

2014

Tyler Byrnes
Nancy Mistele
Joe Knilans

**SURVEY METHODOLOGY AND RESULTS -
STUDY ON CONSOLIDATION OF THE
DEPARTMENT OF AGRICULTURE, TRADE AND
CONSUMER PROTECTION WITH THE
DEPARTMENT OF SAFETY AND PROFESSIONAL
SERVICES**

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Survey Construction

The Legislature requested a study of a potential merger of the Department of Agriculture, Trade and Consumer Protection with the Department of Safety and Professional services but did not specify a method for gathering input.

A decision was made to electronically survey a broad range of stakeholders including individual license and permit holders, stakeholder group representatives and other business organizations in order to reach a broad and diverse audience, gather opinion and comments in a reasonable period of time and use existing technology to tally and analyze results quickly and efficiently.

The survey tool was designed to drive maximum response, gather data and public opinion on the concept of a merger while allowing state license holders and stakeholders to offer comments about existing services with the agencies and their views on potential changes to the service levels should a merger occur.

With overall guidance from the Legislature, questions were constructed with input from Department of Administration staff and policy analysts, reviewed by DSPS and DATCP personnel and finally vetted by others with experience in developing survey tools. The vetting process ensured consistent style and formatting of questions and potential answers in a manner that did not lead respondents to particular answers or conclusions.

Specific questions were crafted to obtain relevant information from customers that would provide justification for a potential merger, or arguments against the merger, depending on respondent answers to the questions. For instance, asking how much interaction customers have with each of the agencies in question would determine whether there was overlap between the two sets of agency responsibilities.

The survey asked up to 24 questions and respondents were able to quickly answer questions or add greater explanation where necessary. If the respondents rated agency performance as poor or very poor, they were provided space to provide additional comments on the survey. The survey included questions related to their experience with services provided by agencies as well as questions directly related to their opinions of a potential merger. At the end of the survey respondents were able to provide general open-ended responses.

Once the questions were constructed, they were placed into an online survey tool developed by staff with the Department of Administration Division of Enterprise Technology. Respondents were asked to rate various aspects of agency performance for agencies with which they interact.

SURVEY DISTRIBUTION

An electronic survey was used to contact the largest number of stakeholders in the most efficient manner. This survey was sent to impacted board members, stakeholder groups and individual license holders and was publicized via media outlets to attract a broad spectrum of public comment. More than 430,000 people were directly contacted with the survey.

The contact lists were generated by using an email list of DSPS license holders, email lists generated from the Office of Business Development interactions with Chambers of Commerce and Economic Development Groups as well as business contacts throughout the state. The survey was also electronically distributed through over 350 DATCP and DSPS identified stakeholder groups with directions to forward the survey to group members.

Links to the on-line survey were sent to email addresses for all the license holders on file with DSPS, which totaled 428,954 emails. In addition to agency contacts, the survey was also distributed to members of the DATCP and DSPS attached boards, members of the Legislature, and via the Department of Administration Office of Business Development at various events and through Chambers of Commerce.

The following is the text of the outreach email sent to potential survey respondents.

Outreach Email sent to Survey Respondents

Good morning,

We are contacting you today as we would appreciate your feedback (including feedback from your organizations board and members) about possibly merging the Department of Safety and Professional Services (DSPS) and the Department of Agriculture, Trade and Consumer Protection (DATCP). Your input about how this consolidation may impact you is very valuable to us.

The 2013-15 state budget calls for a study about consolidating these two agencies. DSPS manages the licensing and regulation of professions in health, business and construction trades. They also oversee state building safety codes and provide services related to plan review, permit issuance, building and component inspection, and safety codes. DATCP is responsible for the promotion and regulation of Wisconsin's agriculture industry, including Agriculture Resource Management and Animal Health, as well as the oversight of food safety and consumer protection.

We ask that you complete the survey and forward this email to your members for their response so we can better understand how a potential consolidation may affect you. Your answers and contact information will be kept confidential and will not be used outside of the scope of this survey. All survey results will be tallied for any reporting purposes.

TAKE THE SURVEY – your answers will be kept confidential

Thank you in advance for your participation and input.
Office of Business Development

Note: throughout the survey, you will see the term 'license' which refers to any license, credential, certification, registration or permit. Please view the term to mean the document a state agency issues as a requirement to do business, perform an occupation or specific work activity in the State of Wisconsin.

Survey Results and Survey Questions

The following tables detail the results of the survey that was distributed to nearly 450,000 people. The following tables show the demographic breakdown of the respondents, responses to questions directly related to opinions about a potential merger of the two agencies, and performance related responses. Over three thousand survey respondents indicated that they would like to receive a copy of the final report.

Table 1: Respondents by Profession		
Profession	Respondents	Percent of Total
Health Professions	9,838	39.4%
No Response	7,451	29.9%
Business Professions	5,194	20.8%
Trades Professions	1,920	7.7%
Manufactured Housing	21	0.1%
Mixed Martial Arts/Boxing	14	0.1%
<i>Subtotal</i>	24,438	98.0%
More than One Response		
Business Professions; Trades Professions	210	0.8%
Health Professions; Business Professions	187	0.7%
Health Professions; Trades Professions	61	0.2%
Health Professions; Business Professions; Trades Professions	28	0.1%
Business Professions; Trades Professions; Manufactured Housing	9	0.0%
Trades Professions; Manufactured Housing	9	0.0%
Business Professions; Manufactured Housing	4	0.0%
Business Professions; Trades Professions; Mixed Martial Arts/Boxing	1	0.0%
Health Professions; Business Professions; Trades Professions; Manufactured Housing; Mixed Martial Arts/Boxing	1	0.0%
Health Professions; Mixed Martial Arts/Boxing	1	0.0%
<i>Subtotal</i>	511	2.1%
Grand Total	24,949	100.0%

Table 2: Total Respondents by County

County	Respondents	Percentage	County	Respondents	Percentage
None Indicated	8,340	33.4%	Marathon	405	1.6%
Adams	54	0.2%	Marinette	105	0.4%
Ashland	48	0.2%	Marquette	38	0.2%
Barron	115	0.5%	Menominee	2	0.0%
Bayfield	57	0.2%	Milwaukee	2,102	8.4%
Brown	687	2.8%	Monroe	108	0.4%
Buffalo	34	0.1%	Oconto	105	0.4%
Burnett	43	0.2%	Oneida	144	0.6%
Calumet	133	0.5%	Outagamie	443	1.8%
Chippewa	209	0.8%	Ozaukee	342	1.4%
Clark	62	0.2%	Pepin	26	0.1%
Columbia	188	0.8%	Pierce	67	0.3%
Crawford	55	0.2%	Polk	93	0.4%
Dane	2,518	10.1%	Portage	186	0.7%
Dodge	225	0.9%	Price	51	0.2%
Door	117	0.5%	Racine	422	1.7%
Douglas	103	0.4%	Richland	64	0.3%
Dunn	119	0.5%	Rock	348	1.4%
Eau Claire	362	1.5%	Rusk	24	0.1%
Florence	10	0.0%	Saint Croix	204	0.8%
Fond du Lac	308	1.2%	Sauk	190	0.8%
Forest	15	0.1%	Sawyer	58	0.2%
Grant	117	0.5%	Shawano	83	0.3%
Green	150	0.6%	Sheboygan	289	1.2%
Green Lake	57	0.2%	Taylor	41	0.2%
Iowa	79	0.3%	Trempealeau	66	0.3%
Iron	23	0.1%	Vernon	73	0.3%
Jackson	46	0.2%	Vilas	86	0.3%
Jefferson	239	1.0%	Walworth	246	1.0%
Juneau	49	0.2%	Washburn	62	0.2%
Kenosha	284	1.1%	Washington	437	1.8%
Kewaunee	61	0.2%	Waukesha	1,468	5.9%
La Crosse	409	1.6%	Waupaca	132	0.5%
Lafayette	50	0.2%	Waushara	58	0.2%
Langlade	59	0.2%	Winnebago	436	1.7%
Lincoln	66	0.3%	Wood	237	0.95%
Manitowoc	217	0.9%			
Counties Represented		72			
Total Respondents		24,949			

Table 3: Respondents by Reason for Agency Contact		
Reason for Contact	Respondents	Percent of Total
Obtain or renew an occupational license	16,921	65.5%
None of the Above	2,880	11.1%
Obtain or renew an occupational license; Register my business	1,162	4.5%
Obtain or renew an occupational license; Obtain a permit for a specific activity	611	2.4%
Obtain or renew an occupational license; Register my business; Obtain a permit for a specific activity	503	1.9%
Other with significant Agency contact	462	1.8%
Obtain a permit for a specific activity	384	1.5%
Register my business	355	1.4%
Obtain or renew an occupational license; Other with significant Agency contact	314	1.2%
I am a member of a Board or Council affiliated with an Agency	246	1.0%
I am a Representative of a Trade Association with interests to an Agency	207	0.8%
Multiple Responses - Other	904	3.5%
Grand Total	24,949	100.0%

Source of Contact	Respondents	Percent of Total
License Holders	23,438	93.9%
Other via Office of Business Development	497	2.0%
DSPS Stakeholders	336	1.3%
Legislature	173	0.7%
Boards and Councils	147	0.6%
DOA/Wisconsin Website	128	0.5%
Not Available	39	0.2%
Chamber via Office of Business Development	33	0.1%
Bus Development via Office of Business Development	20	0.1%
DATCP Lists	12	0.0%
DSPS Lists	8	0.0%
Lt. Governor Lists	2	0.0%
Cooperative Network	1	0.0%
Grand Total	24,949	100.0%

Table 5: Categorized responses to the question: How many full time people do you employ?		Categorized responses to the question: How many part time people do you employ?	
Employees	Respondents	Employees	Respondents
Zero	573	Zero	980
Between 1-10 Employees	1,063	Between 1-10 Employees	829
Between 11-50 Employees	224	Between 11-50 Employees	91
Between 51-100 Employees	53	Between 51-100 Employees	10
Between 101-1000 Employees	51	Between 100-1000 Employees	26
Over 1001 Employees	10	Over 1001 Employees	2
<i>Subtotal</i>	<i>1,974</i>	<i>Subtotal</i>	<i>1,938</i>
No response	22,975	No response	23,011
Total	24,949	Total	24,949

Survey Responses – Direct Questions about the Potential Merger

The following tables show the responses to questions directly related to a potential merger of the two agencies. These questions were asked of all respondents. Responses to the question "If consolidation results in lower costs to the agency, how would you want the savings used?" did not provide useful data because too many individuals selected the "other" category. Specific responses are available upon request.

Table 6: Do you believe there should be one agency responsible for all licensing and permitting in Wisconsin?		
Response	Respondents	Percentage
No Response	4,247	17.0%
Definitely No	1,408	5.6%
Probably No	1,968	7.9%
Not Sure	2,917	11.7%
Probably Yes	5,861	23.5%
Definitely Yes	8,548	34.3%
Total Respondents	24,949	100.0%

Table 7: Do you believe there should be one agency responsible solely for Agriculture and food safety in Wisconsin?		
Response	Respondents	Percentage
No Response	4,248	17.0%
Definitely No	875	3.5%
Probably No	1,177	4.7%
Not Sure	4,377	17.5%
Probably Yes	5,855	23.5%
Definitely Yes	8,417	33.7%
Total Respondents	24,949	100.0%

Table 8: How do you believe a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would affect the services to you as a license holder?

Response	Respondents	Percentage
No Response	4,430	17.8%
Greatly improve service	192	0.8%
Improve service somewhat	760	3.0%
Not sure	8,308	33.3%
Reduce service somewhat	6,270	25.1%
Greatly reduce service	4,989	20.0%
Total Respondents	24,949	100.0%

Table 9: Do you believe that consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection will result in savings?

Response	Respondents	Percentage
No Response	4,352	17.4%
Definitely No	1,401	5.6%
Probably No	5,319	21.3%
Not Sure	6,245	25.0%
Probably Yes	6,209	24.9%
Definitely Yes	1,423	5.7%
Total Respondents	24,949	100.0%

Table 10: If no savings were found from a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would you support the general concept of consolidation?

Response	Respondents	Percentage
No Response	4,375	17.5%
Definitely No	7,191	28.8%
Probably No	6,614	26.5%
Not Sure	3,532	14.2%
Probably Yes	2,364	9.5%
Definitely Yes	873	3.5%
Total Respondents	24,949	0.0%

Performance Evaluation Questions – DATCP

These tables detail the performance evaluations of DATCP. Respondents were only asked these questions if they listed DATCP as an agency with which they do business.

Table 11: DATCP - How would you rate your overall experience with the agency?		
Very Good	309	19.9%
Good	562	36.2%
Average	436	28.1%
Poor	53	3.4%
Very Poor	24	1.5%
No opinion/unsure	169	10.9%
Total	1,553	100%
Not Asked/No Response		23,396

Table 12: DATCP - How would you rate the licensing process?		
Very Good	228	15.0%
Good	510	33.6%
Average	413	27.2%
Poor	65	4.3%
Very Poor	17	1.1%
No opinion/unsure	285	18.8%
Total	1,518	100%
Not Asked/No Response		23,431

Table 13: DATCP - After submitting your application, what length of time did you wait for your license?		
3 or less business days	202	16.7%
4 - 7 business days	421	34.9%
8 - 29 business days	468	38.8%
30 days or longer	115	9.5%
Total	1,206	100%
Not Asked/No Response		23,743

Table 14: DATCP How satisfied are you with the time it takes to receive your license after you apply?

Very satisfied	385	28.5%
Somewhat satisfied	364	26.9%
No opinion	449	33.2%
Somewhat dissatisfied	100	7.4%
Very dissatisfied	53	3.9%
Total	1,351	100%
Not Asked/No Response	23,598	

Table 15: DATCP - How much value do you believe there is relative to fees paid to be a license holder?

Good Value	253	18.3%
Some Value	373	26.9%
Not Sure	367	26.5%
Minimal Value	305	22.0%
No Value	87	6.3%
Total	1,385	100%
Not Asked/No Response	23,564	

Table 16: DATCP - How frequently, if at all, should you be required to renew your license?

Renew more frequently	13	1.0%
Leave as is	805	59.7%
Renew less frequently	427	31.7%
Do not require renewal at all	104	7.7%
Total	1,349	100%
Not Asked/No Response	23,600	

Table 17: DATCP - What is your opinion of the continuing education requirements, if any, for your license?

Increase the CE requirement	75	5.5%
Ok as is	710	51.6%
No CE is required now	184	13.4%
No opinion	110	8.0%
Reduce the CE requirement	161	11.7%
Do not require CE	93	6.8%
Other	43	3.1%
Total	1,376	100%
Not Asked/No Response	23,573	

Performance Evaluation Questions – DSPTS

These tables detail the performance evaluations of DSPTS. Respondents were only asked these questions if they listed DSPTS as an agency with which they do business.

Table 18: DSPTS - How would you rate your overall experience with the agency?		
Very Good	3,986	24.2%
Good	6,850	41.6%
Average	4,047	24.6%
Poor	626	3.8%
Very Poor	184	1.1%
No opinion/unsure	772	4.7%
Total	16,465	100%
Not Asked/No Response		8,484

Table 20: DSPTS - How would you rate the licensing process?		
Very Good	4,320	26.4%
Good	6,699	40.9%
Average	4,007	24.5%
Poor	783	4.8%
Very Poor	188	1.1%
No opinion/unsure	385	2.4%
Total	16,382	100%
Not Asked/No Response		8,567

Table 21: DSPTS - After submitting your application, what length of time did you wait for your license?		
3 or less business days	3,557	22.8%
4 - 7 business days	4,885	31.3%
8 - 29 business days	5,358	34.3%
30 days or longer	1,830	11.7%
Total	15,630	100%
Not Asked/No Response		9,319

Table 22: DSPS - How satisfied are you with the time it takes to receive your license after you apply?		
Very satisfied	6,489	40.5%
Somewhat satisfied	4,154	26.0%
No opinion	3,236	20.2%
Somewhat dissatisfied	1,414	8.8%
Very dissatisfied	713	4.5%
Total	16,006	100%
Not Asked/No Response		8,943

Table 24: DSPS - How much value do you believe there is relative to fees paid to be a license holder?		
Good Value	3,790	23.3%
Some Value	4,502	27.7%
Not Sure	3,722	22.9%
Minimal Value	3,516	21.6%
No Value	726	4.5%
Total	16,256	100%
Not Asked/No Response		8,693

Table 24: DSPS - How frequently, if at all, should you be required to renew your license?		
Renew more frequently	111	0.7%
Leave as is	9,981	60.9%
Renew less frequently	5,548	33.9%
Do not require renewal at all	737	4.5%
Total	16,377	100%
Not Asked/No Response		8,572

Table 25: DSPS - What is your opinion of the continuing education requirements, if any, for your license?		
Increase the CE requirement	864	5.3%
Ok as is	8,844	53.9%
No CE is required now	2,388	14.6%
No opinion	588	3.6%
Reduce the CE requirement	1,780	10.9%
Do not require CE	1,131	6.9%
Other	798	4.9%
Total	16,393	100%
Not Asked/No Response		8,556

Survey Questions and Answers as seen by Respondents.

The following are print-screens that were seen by survey respondents when they took the survey. Note that all survey respondents did not answer performance evaluation questions on all agencies.

Page 1

State Agency Involvement

My primary purpose for contact with an agency is: Select at least 1 and no more than 6.

- Obtain or renew an occupational license
- Register my business
- Obtain a permit for a specific activity
- I am a member of a Board or Council affiliated with an Agency
- I am a Representative of a Trade Association with interests to an Agency
- Other with significant Agency contact
- None of the Above

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Background Information

In which county do you reside?

To do business in Wisconsin, I have contact with the following agencies: Select at least 1 and no more than 3.

- Department of Safety and Professional Services (DSPS)
- Department of Agriculture, Trade and Consumer Protection (DATCP)
- Other agencies
- None

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Additional Agencies

Select additional agencies Select no more than 5.

- Children and Families, Department of

- Financial Institutions, Department of
- Health Services, Department of
- Insurance, Office of the Commissioner of
- Natural Resources, Department of
- Public Instruction, Department of
- Revenue, Department of
- Workforce Development, Department of
- Not on list, please specify

Enter Department Name

Employee Count

In which county is your business located?

How many full time people do you employ?

How many part time people do you employ?

Profession or Industry

What best represents your profession or industry sector

- Health Professions
- Business Professions
- Trades Professions
- Manufactured Housing
- Mixed Martial Arts/Boxing

Trade Professions

Select category.

- | | | |
|---|---|-------------------------------------|
| <input type="checkbox"/> Fire Sprinkler | <input type="checkbox"/> Dwellings, Structures, Sites | <input type="checkbox"/> Mechanical |
| <input type="checkbox"/> Blasting | <input type="checkbox"/> Conveyance | <input type="checkbox"/> Electrical |
| <input type="checkbox"/> Plumbing | <input type="checkbox"/> Inspection | |

Page 7

Agriculture/Food Industry Professions

Select license

- No license or permit required
- Animal Control Facility (eff. 6/1/2011)
- Animal Dealer License
- Animal Food Processor License
- Animal Import Permit (certain animals)
- Animal Market License
- Animal Shelter (eff. 6/1/2011)
- Animal Transport Vehicle (animal dealers, markets and truckers)
- Animal Trucker License
- Animals Diseased; Permit to Move
- Apiary Inspection Certificate; Interstate Movement
- Bulk Milk Tanker; Grade A Permit
- Bulk Milk Tanker; License to Operate
- Bulk Milk Weigher and Sampler License
- Butter Grader License
- Buttermaker License
- Cattle and Bison; Import Permit
- Cattle/Goats; Johne's Disease Herd Classification
- Cattle; Burcellosis-Free Herd Certification
- Cattle; Johne's Disease Vaccination Approval
- Cattle; Tuberculosis-Free Herd Certificate
- Cheese Grader License
- Cheese Logo (Wisconsin); Permit to Use
- Cheesemaker License

- Christmas Tree Grower License
- Dairy Farm; Grade A Permit
- Dairy Farm; Milk Producer License
- Dairy Plant - Grade A BMT Cleaning Facility
- Dairy Plant License
- Dairy Plant; Grade A Permit
- Dating Service
- Dead Animal Collector License
- Dead Animals; Carcass Dealer Registration
- Dead Animals; Transport Vehicle Permit
- Deer and Elk (Farm-Raised); Brucellosis Free Herd
- Deer and Elk (Farm-Raised); CWD Herd Status Program
- Deer and Elk (Farm-Raised); Herd Registration
- Deer and Elk (Farm-Raised); Hunting Preserve Registration Certificate
- Deer and Elk (Farm-Raised); TB Accredited Free Certification
- Deer and Elk (Farm-Raised); TB Qualified Herd Certification
- Deer and Elk; Import Permit
- Dog Breeder (eff. 6/1/2011)
- Dog Breeding Facility (eff. 6/1/2011)
- Dog Dealer (eff. 6/1/2010)
- Dog Dealer; Out-of-State (eff. 6/1/2011)
- Equine Quarantine Station; Permit
- Feed (Commercial); License to Manufacture or Distribute
- Feedlot (Approved Import Feedlot); Permit
- Fertilizer Product <24% NPK; Permit
- Fertilizer; License to Manufacture or Distribute
- Fish Farm Registration
- Fish Import Permit
- Fitness Center
- Food Marketing Permit (temporary permit for non-conforming label)
- Food or Farm Product Grader; License
- Food Processing Plant License (Wholesale)
- Food Retail Inspection; Agent County or Municipality
- Food Retail License
- Food Warehouse License

- Fur Farm
- Future Service Plan (Buyers Club)
- Ginseng Grower and Dealer Registration
- Goats; Burcellosis-Free Herd Certificate
- Goats; Tuberculosis-Free Herd Certificate
- Grain Dealer License
- Grain Warehouse Keeper License
- Grease Processor License
- Honey Producer - Certified
- Humane Officer Certification
- Industry Bulk Milk Truck / Tanker Inspector - Appointed
- Laboratory Analyst Certification (Dairy, Food and Water Labs)
- Laboratory Certification (Dairy, Food and Water Labs)
- Laboratory; Milk Screening Test Approval
- Landspreading Permit; Soils Containing Spilled Agrichemicals
- Liming Materials; Approval to Sell by Volume
- Liming Materials; License to Sell
- Livestock Premises Registration
- Livestock; Brand Registration
- Livestock; Permit to Move from Slaughter
- Maple Sap Processor Registration
- Meat Broker or Distributor Registration
- Meat Establishment License
- Meat; Mobile Slaughter or Processing; Registration Certificate
- Milk and Cream Tester License
- Milk Contractor License
- Milk Distributor License
- Mobile Air Conditioners; repair or Service Business; Registration
- Mobile Air Conditioners; Technician Registration
- Nursery Dealer License
- Nursery Grower License
- Pasteurizer Operator -- not a license or permit
- Pesticide Applicator Certification; Commercial
- Pesticide Applicator Certification; Private
- Pesticide Commercial Application Business License

- Pesticide Commercial Applicator (Individual) License
- Pesticide Dealer-Distributor License
- Pesticide Emergency Use Permit
- Pesticide Experimental Use Permit
- Pesticide Manufacturer & Labeler License
- Pesticide Special Local Need Registration
- Pesticide Special Use Permit
- Plant Health (Phyto Sanitary) Certificate
- Plant Pest (or Biological Control Agent); Permit to Move or Release
- Poultry; Certified Pullorum Tester (National Poultry Improvement Plan)
- Poultry; Disease-Free Flock Certification (National Poultry Improvement Plan)
- Poultry; Wisconsin Associate Flock Certification
- Poultry; Wisconsin Tested Flock Certification
- Public Warehouse Keeper License
- Renderer License
- Seed Labeler License
- Sheep; Brucella Ovis-Free Certificate
- Soil and Plant Additive; License to Sell
- Soil and Plant Additive; Product Permit
- Swine; Brucellosis-Free Herd Certificate
- Swine; Pseudorabies - Monitored Herd Certification
- Swine; Pseudorabies Qualified Negative Grow-Out Herd Certification
- Swine; Pseudorabies Vaccination Permit
- Swine; Pseudorabies Qualified Negative Herd Certification
- Telephone Solicitors Registration (Wisconsin "No Call" Program)
- Time-Share Seller; Security Requirement
- Vegetable Contractor License
- Veterinarian; Certification to Perform Official Disease Control Functions
- Weather Modification License
- Weather Modification Project Permit
- Weight Reduction Center; Security Requirement
- Weights and Measures; Liquid Fuel Vehicle Tank Meter License
- Weights and Measures; LP Gas Meter License
- Weights and Measures; Service Company License
- Weights and Measures; Service Technician Registration

- Weights and Measures; Vehicle or Livestock Scale Permit
- Weights and Measures; Vehicle Scale Operator License

Boxing and Mixed Martial Arts

Select license

- Boxing Contestant
- Boxing or Mixed Martial Arts Judge
- Boxing or Mixed Martial Arts Promoter
- Boxing or Mixed Martial Arts Referee
- Boxing or Mixed Martial Arts Ringside Physician
- Boxing or Mixed Martial Arts Timekeeper
- Mixed Martial Arts Contestant

Business Professions

Select license

- Accountant, Certified Public
- Accounting Corporation or Establishment
- Aesthetician
- Aesthetics Establishment
- Aesthetics Instructor
- Aesthetics School
- Appraiser, Certified General
- Appraiser, Certified Residential
- Appraiser, Licensed
- Architect
- Athlete Agent
- Auction Company
- Auctioneer
- Barber
- Barbering Apprentice

- Barbering Establishment
- Barbering Instructor
- Barbering Manager
- Barbering School
- Cemetery Authority (Licensed)
- Cemetery Authority (Registered)
- Cemetery Preneed Seller
- Cemetery Salesperson
- Certificate of Authorization: Architectural, Engineering or Designer of Engineering Systems Corp.
- Certificate of Authorization: Geology, Hydrology or Soil Science Corp.
- Certified General Appraiser
- Certified Public Accountant
- Certified Residential Appraiser
- Charitable Organizations
- Cosmetology Apprentice
- Cosmetology Establishment
- Cosmetology Instructor
- Cosmetology Manager
- Cosmetology Practitioner
- Cosmetology School
- Crematory Authority
- Designer of Engineering Systems
- Electrologist
- Electrology Establishment
- Electrology Instructor
- Electrology School
- Engineer, Professional
- Firearms Certifier
- Firearms Permit
- Fund-Raising Counsel
- Funeral Director
- Funeral Establishment
- Geologist
- Home Inspector
- Hydrologist

- Interior Designer
- Juvenile Martial Arts Instructor
- Land Surveyor
- Landscape Architect
- Licensed Appraiser
- Manicuring Establishment
- Manicuring Instructor
- Manicuring School
- Manicurist
- Nursing Home Administrator
- Peddler
- Private Detective
- Private Detective/Security Guard Agency
- Private Security Permit
- Professional Employer Group
- Professional Employer Organization
- Professional Engineer
- Professional Fund Raiser
- Real Estate Broker
- Real Estate Business Entity
- Real Estate Salesperson
- Real Estate Salesperson Apprentice
- Soil Scientist
- Timeshare Salesperson
- Warehouse for Cemetery Merchandise

Health Professions

Select license

- Acupuncturist
- Advanced Practice Nurse Prescriber
- Anesthesiologist Assistant
- Art Therapist
- Athletic Trainer

- Audiologist
- Behavior Analyst
- Chiropractic Radiological Technician
- Chiropractic Technician
- Chiropractor
- Clinical Substance Abuse Counselor
- Clinical Supervisor In Training
- Controlled Substances Special Use Authorization
- Dance Therapist
- Dental Hygienist
- Dentist
- Dietitian
- Drug or Device Manufacturer
- Hearing Instrument Specialist
- Independent Clinical Supervisor
- Intermediate Clinical Supervisor
- Licensed Midwives
- Licensed Practical Nurse
- Licensed Radiographer
- Limited X-Ray Machine Operator Permit
- Marriage and Family Therapist
- Massage Therapist or Bodywork Therapist
- Music Therapist
- Nurse - Midwife
- Occupational Therapist
- Occupational Therapy Assistant
- Optometrist
- Perfusionist
- Pharmacist
- Pharmacy (In State)
- Pharmacy (Out of State)
- Physical Therapist
- Physical Therapist Assistant
- Physician Assistant
- Physician

- Podiatrist
- Prevention Specialist
- Prevention Specialist in Training
- Private Pract. School Psychologist
- Professional Counselor
- Psychologist
- Registered Nurse
- Registered Sanitarian
- Respiratory Care Practitioner
- Sign Language Interpreter
- Sign Language Interpreter (Restricted)
- Social Worker
- Social Worker - Advanced Practice
- Social Worker - Independent
- Social Worker - Licensed Clinical
- Social Worker - Training Certificate
- Speech-Language Pathologist
- Substance Abuse Counselor
- Substance Abuse Counselor in Training
- Veterinarian
- Veterinary Technician
- Wholesale Distributor of Prescription Drugs

Manufactured Homes

Select license

- Manufactured Home Dealer
- Manufactured Home Installer
- Manufactured Home Manufacturer
- Manufactured Home Salesperson
- Manufactured Home Title
- Manufactured Home Community

Trades Professions - Fire Sprinkler

Select license

- Automatic Fire Sprinkler Contractor
- Automatic Fire Sprinkler Contractor – Maintenance
- Automatic Fire Sprinkler Fitter – Maintenance
- Automatic Fire Sprinkler System Apprentice
- Automatic Fire Sprinkler System Tester
- Automatic Fire Sprinkler System Tester Learner
- Journeyman Automatic Fire Sprinkler Fitter

Trades Professions - Blasting and Fireworks

Select license

- Blaster Class 1
- Blaster Class 2
- Blaster Class 3
- Blaster Class 4
- Blaster Class 5
- Blaster Class 6
- Blaster Class 7
- Fireworks Manufacturer

Trades Professions - Conveyances

Select license

- Elevator Apprentice
- Elevator Apprentice – Restricted
- Elevator Contractor
- Elevator Helper
- Elevator Mechanic
- Elevator Mechanic – Restricted

- Lift Apprentice
- Lift Helper
- Lift Mechanic

Trades Professions - Dwellings, Structures and Sites

Select license

- Dwelling Contractor
- Dwelling Contractor – Restricted
- Dwelling Contractor Qualifier
- Manufactured Home Installer
- Manufactured Home Manufacturer
- Manufactured Home Salesperson
- Soil Tester
- Weld Test Conductor
- Welder

Trades Professions - Electrical

Select license

- Beginner Electrician
- Electrical Apprentice
- Electrical Contractor
- Industrial Electrical Apprentice
- Industrial Journeyman Electrician License
- Journeyman Electrician
- Master Electrician
- Residential Electrical Apprentice
- Residential Journeyman Electrician License
- Residential Master Electrician License

Trades Professions - Inspection

Select license

- Boiler/Pressure Vessel Inspector
- Commercial Building Inspector
- Commercial Electrical Inspector
- Commercial Plumbing Inspector
- Elevator Inspector
- POWTS Inspector
- Rental Weatherization Inspector
- Soil Erosion Inspector
- Tank System Inspector
- UDC Construction Inspector
- UDC Electrical Inspector
- UDC HVAC Inspector
- UDC Inspection Agency
- UDC Plumbing Inspector

Trades Professions - Mechanical

Select license

- HVAC Contractor
- HVAC Qualifier
- Liquefied Gas Supplier
- Liquefied Gas Supplier – Restricted
- Refrigerant Handling Technician

Trades Professions - Plumbing

Select license

- Cross Connection Control Tester
- Journeyman Plumber

- Journeyman Plumber Restricted Appliance
- Journeyman Plumber Restricted Service
- Master Plumber
- Master Plumber Restricted Appliance
- Master Plumber Restricted Service
- Pipelayer
- Plumbing Apprentice
- Plumbing Learner Restricted Appliance
- Plumbing Learner Restricted Service
- POWTS Maintainer
- Utility Contractor

The following questions were asked about each of the following agencies:
Department of Agriculture, Trade and Consumer Protection
Department of Safety and Professional Services
Department of Children and Families
Department of Financial Institutions
Department of Health Services
Office of the Commissioner of Insurance
Department of Natural Resources
Department of Revenue
Department of Workforce Development
Other Agencies

Respondents were only asked these questions about an agency if they identified the agency as one they interacted with to do business.

Answer only those questions that apply to you

How would you rate your overall experience with the agency?

- Very Poor
- Poor
- Average
- Good
- Very Good
- No opinion/unsure

How would you rate the licensing process?

- Very Poor
- Poor
- Average
- Good
- Very Good

No opinion/unsure

After submitting your application, what length of time did you wait for your license? Select no more than 1.

- 3 or less business days
- 4 - 7 business days
- 8 - 29 business days
- 30 days or longer

How satisfied are you with the time it takes to receive your license after you apply?

- Very dissatisfied
- Somewhat dissatisfied
- No opinion
- Somewhat satisfied
- Very satisfied

As a license holder, how do you stay up-to-date on changes in state law as it relates to your industry? Select no more than 1.

- Membership Association
- State Agency
- None of the above
- Other, please specify

How much value do you believe there is relative to fees paid to be a license holder?

- Good Value
- Some Value
- Not Sure
- Minimal Value
- No Value

How frequently, if at all, should you be required to renew your license? Select no more than 1.

- Leave as is
- Renew more frequently
- Renew less frequently
- Do not require renewal at all

What is your opinion of the continuing education (CE) requirements, if any, for your license? Select no more than 1.

- No CE is required now
- Ok as is
- Reduce the CE requirement

- Increase the CE requirement
- Do not require CE
- Additional comments on CE
- No opinion

Enter additional comments:

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How would you improve your experience

Page 22

How would you improve your experience with the licensing process

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Consolidation Input – All respondents were asked these questions

Do you believe there should be one agency responsible solely for Agriculture and food safety in Wisconsin? Select at least 1 and no more than 1.

- Definitely Yes
- Probably Yes
- Not Sure
- Probably No
- Definitely No

Do you believe there should be one agency responsible for all licensing and permitting in Wisconsin? Select at least 1 and no more than 1.

- Definitely Yes
- Probably Yes
- Not Sure
- Probably No
- Definitely No

If Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection were consolidated how do you think the focus of the new agency might change the current functions such as agriculture, food safety, consumer protection, building plan review and professional licensing?

- Reduce focus
- Stay the same
- Increase focus
- Unsure

How do you believe a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would affect the services to you as a license holder?

- Greatly reduce service
- Reduce service somewhat
- Not sure
- Improve service somewhat
- Greatly improve service

Do you believe that consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection will result in savings?

- Definitely Yes
- Probably Yes
- Not Sure
- Probably No
- Definitely No

If consolidation results in lower costs to the agency, how would you want the savings used?

- Return savings to taxpayers
- Use savings to reduce license fees
- Invest savings to provide better service

Other, please specify

If no savings were found from a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would you support the general concept of consolidation?

- Definitely Yes
- Probably Yes
- Not Sure
- Probably No
- Definitely No

Please use the space below to provide additional comments



Survey Distribution - Stakeholder Groups Contacted with Electronic Survey

The following is a list of the stakeholder groups contacted and asked to distribute via email to their membership by DATCP

Number	Organization
1.	211 (Badger Bay Management Co.)
2.	ABS Global, Inc.
3.	AgrAbility of Wisconsin
4.	Alta Genetics
5.	Babcock Institute
6.	Bioforward
7.	Bull Studs Emergency Management, Accelerated Genetics
8.	Capitol Consultants, Inc.
9.	Capitol Strategies
10.	Center for Dairy Profitability
11.	Center for Integrated Agricultural Systems (CIAS)
12.	Chippewa County Economic Development Corporation
13.	Concerned Auto Recyclers of WI
14.	Cooperative Network Association
15.	Dairy Business Assn
16.	Dane County Farmers Market
17.	Daybreak Foods
18.	Department of Health
19.	Department of Natural Resources
20.	Department of Public Instruction
21.	DeWitt, Ross & Stevens
22.	Discover Mediaworks
23.	Easter Seals Wisconsin
24.	Equity Cooperative Livestock Sales Association
25.	ExxonMobil Refining and Supply Company
26.	FairShare CSA Coalition
27.	Farley Center for Peace, Justice & Sustainability
28.	Focus on energy
29.	Fondy food Center
30.	Food and Beverage Milwaukee
31.	Food Export Association of the Midwest
32.	Genex
33.	Ginseng Board of Wisconsin
34.	GLCI Steering Committee/NRCS
35.	Gold'n Plump Poultry

36.	Gorst Valley Hops
37.	GrassWorks
38.	Great Lakes Farm to School Network
39.	Green County Beef Producers
40.	Growing Power
41.	Growmark
42.	Health First Wisconsin
43.	Hmong Wisconsin Chamber of Commerce
44.	Indianhead Food Service Distribution
45.	Indianhead Polled Hereford Association
46.	Indianhead Sheep Breeders Association
47.	International Society of Weighing and Measuring
48.	Jennie-O Turkey Store, Inc.
49.	Kettle Moraine Mink Breeders
50.	MacFarlane Pheasants, Inc.
51.	Madison Area Community Supported Agriculture
52.	Madison International Trade Association
53.	Madison Region Economic Development Partnership
54.	Marathon Petroleum
55.	Master Meat Crafter Program
56.	McKay Nursery
57.	Michael Best & Friedrich LLP
58.	Michael Fields Agriculture Institute
59.	Midwest Food Processors Association
60.	Midwest Grocers Association
61.	Midwest Organic and Sustainable Education Service
62.	Midwest Organic Services Association
63.	Midwest Pickle Association
64.	Midwest Pinzgauer Association
65.	Milwaukee International Trade Association
66.	New North, Inc.
67.	NFO - Wisconsin
68.	Organic Advisory Council
69.	Organic Valley
70.	Professional Dairy Producers of WI
71.	REAP Food Group
72.	Reindeer Owners & Breeders Association (R.O.B.A.)
73.	SE Wisconsin Farm and Food Network
74.	Sexing Technologies Inc.
75.	Small Business Development Center - Milwaukee
76.	Southwest Badger Resource Conservation & Development Council

77.	Spring Rose Growers Cooperative
78.	Syngenta
79.	The Welch Group
80.	Transform WI
81.	U.S. Commercial Service Midwest
82.	U.S. Small Business Administration-Madison
83.	USDA Rural Development
84.	UW Cooperative Extension
85.	UW Extension
86.	UW Extension – Emergency Management
87.	UW Madison - CALS
88.	UW Madison - Center for Integrated Agricultural Systems
89.	UW Madison -West Madison Ag. Research Station
90.	UW River Falls
91.	UW Superior
92.	UW-Madison Animal Science Dept.
93.	UW-Madison Food Science
94.	UW-River Falls Animal Science Dept.
95.	WAGA, WATA, WBGA, WFGV
96.	Whitetails of Wisconsin (W.O.W.)
97.	WI/MN Petroleum Council
98.	Wisconsin Agribusiness Council
99.	Wisconsin Agricultural Tourism Association
100.	Wisconsin Agri-Service Assoc.
101.	Wisconsin AgroSecurity Resource Network
102.	Wisconsin Airport Management Association
103.	Wisconsin Angus Association
104.	Wisconsin Apple Growers Association
105.	Wisconsin Aquaculture Association, Inc.
106.	Wisconsin Association of Fairs
107.	Wisconsin Association of FFA
108.	Wisconsin Association of Meat Processors
109.	Wisconsin Association of Professional Agricultural Consultants
110.	Wisconsin Automobile & Truck Dealers Association Inc.
111.	Wisconsin Automotive Aftermarket Association
112.	Wisconsin Bakers Association Inc.
113.	Wisconsin Beef Council
114.	Wisconsin Berry Growers Association
115.	Wisconsin Cattlemen’s Assn
116.	Wisconsin Cattlemen's Association
117.	Wisconsin Center for Dairy Research

118.	Wisconsin Cheese Makers Assn
119.	Wisconsin Cherry Board
120.	Wisconsin Cherry Growers Inc.
121.	Wisconsin Christmas Tree Producers Association
122.	Wisconsin Commercial Deer & Elk Farmers Association
123.	Wisconsin Commercial Flower Growers Association
124.	Wisconsin Corn Growers Assn
125.	Wisconsin Corn Promotion Board
126.	Wisconsin Cranberry Board
127.	Wisconsin Cranberry Growers Association
128.	Wisconsin Dairy Artisan Network
129.	Wisconsin Dairy Products Association
130.	Wisconsin Economic Development Corporation
131.	Wisconsin Emu Association
132.	Wisconsin Farm Bureau Federation
133.	Wisconsin Farm Service Agency
134.	Wisconsin Farmers Union
135.	Wisconsin Fire Chief's Association
136.	Wisconsin Fire Inspectors Association
137.	Wisconsin Food Hub Cooperative
138.	Wisconsin Foodie
139.	Wisconsin Fresh Market Vegetable Growers Association
140.	Wisconsin Grape Growers Association
141.	Wisconsin Grass-fed Beef Cooperative
142.	Wisconsin Green Industry Federation
143.	Wisconsin Grocers Association
144.	Wisconsin Hereford Association
145.	Wisconsin Holstein Association
146.	Wisconsin Honey Producers Association
147.	Wisconsin Horse Council
148.	Wisconsin Innovation Kitchen
149.	Wisconsin Insurance Alliance
150.	Wisconsin Jersey Breeders Association
151.	Wisconsin Jewelers Association
152.	Wisconsin Livestock and Meat Council
153.	Wisconsin Livestock Breeders Association
154.	Wisconsin Local Food Network
155.	Wisconsin Manufacturing Extension Partnership
156.	Wisconsin Maple Syrup Producers Association
157.	Wisconsin Marina Association
158.	Wisconsin Milk Marketing Board, Inc.

159.	Wisconsin Mint Board
160.	Wisconsin Nursery Growers Association
161.	Wisconsin Obesity Prevention Network
162.	Wisconsin Office of Rural Health
163.	Wisconsin Paper Council
164.	Wisconsin Petroleum Council (WPC)
165.	Wisconsin Petroleum Equipment Association
166.	Wisconsin Petroleum Equipment Contractors Association (WisPEC)
167.	Wisconsin Petroleum Marketers and Convenience Store Association
168.	Wisconsin Pork Association
169.	Wisconsin Potato and Vegetable Growers Association
170.	Wisconsin Potato Board
171.	Wisconsin Potato Industry Board
172.	Wisconsin Poultry & Egg Improvement Assn
173.	Wisconsin Propane Gas Association
174.	Wisconsin Red and White Cattle Association
175.	Wisconsin Restaurant Association
176.	Wisconsin Rural Partners
177.	Wisconsin Rural Women's Initiative
178.	Wisconsin Self-Service Laundry Association
179.	Wisconsin Sheep Breeders Cooperative
180.	Wisconsin Sheep Dairy Cooperative
181.	Wisconsin Shorthorn Association
182.	Wisconsin Show Pig Association
183.	Wisconsin Simmental Association
184.	Wisconsin Sod Producers Association
185.	Wisconsin Soybean Association
186.	Wisconsin Soybean Board
187.	Wisconsin Specialty Cheese Institute
187.	Wisconsin Specialty Cheese Institute
188.	Wisconsin State Cranberry Growers Association
189.	Wisconsin Transportation Builders Association
190.	Wisconsin Utilities Association
191.	Wisconsin Veterinary Medical Assoc.
192.	Wisconsin Veterinary Medical Association
193.	Wisconsin Winery Association
194.	World Beef Expo
195.	World Trade Center Wisconsin
196.	WTCS Ag Education

DSPS Groups

The following is a list of the stakeholder groups contacted and asked to distribute via email to their membership by DSPS.

Number	Organization
1.	American Massage Therapy Association, WI Chapter
2.	Chiropractic Society of Wisconsin
3.	Funeral Service and Cremation Alliance of Wisconsin
4.	International Union of Operating Engineers Local #139
5.	Iron Workers District Council of the North Central States
6.	Lake State Lumber Association
7.	Leading Age Wisconsin
8.	League of Wisconsin Municipalities
9.	Madison Area Builders Association
10.	Mechanical Contractors Association of Wisconsin
11.	Medical College of Wisconsin
12.	Mental Health America of Wisconsin
13.	Miron Construction
14.	National Association of Chain Drug Stores
15.	National Association of Social Workers – WI Chapter
16.	National Electrical Manufacturers Association
17.	Novartis Pharmaceuticals Corporation
18.	Otsuka America Pharmaceutical, Inc.
19.	Pharmaceutical Research and Manufacturers of America (PhRMA)
20.	Pharmacy Society of Wisconsin
21.	Reckitt Benckiser Pharmaceuticals Inc
22.	Southeast Dental Associates
23.	Sunovion Pharmaceuticals, Inc
24.	Takeda Pharmaceuticals America
25.	VJS Construction Services
26.	Wal-Mart
27.	Wisconsin Academy of Ophthalmology
28.	Wisconsin Academy of Physician Assistants
29.	Wisconsin Alliance of Hearing Professionals
30.	Wisconsin Amusement and Music Operators
31.	Wisconsin Association for Marriage and Family Therapy
32.	Wisconsin Association of Nurse Anesthetists
33.	Wisconsin Association of School Nurses
34.	Wisconsin Athletic Trainers Association, Inc.
35.	Wisconsin Builders Association

36.	Wisconsin Business Alliance
37.	Wisconsin Chapter of the American Academy of Pediatrics
38.	Wisconsin Chapter of the American College of Emergency Physicians, Inc.
39.	Wisconsin Chiropractic Association
40.	Wisconsin Dental Association
41.	Wisconsin Dental Hygienists Association

2014

State of Wisconsin,
Department of
Administration

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STUDY ON CONSOLIDATION OF THE DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION WITH THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Study presented to the Legislature to meet requirements of 2013 Wisconsin Act 20, Section 9101(3s).

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Executive Summary

The Department of Administration has prepared a report on the potential consolidation of the Department of Agriculture, Trade and Consumer Protection with the Department of Safety and Professional Services, in response to requirements of 2013 Wisconsin Act 20, Section 9101(3s). The 2013-15 biennial budget required the Department of Administration to conduct a study to determine the appropriateness of combining the functions currently performed by the Department of Agriculture, Trade and Consumer Protection with services provided by the Department of Safety and Professional Services. The legislation required the study to consult with the impacted agencies, the boards and councils attached to or under those agencies, and members of the public who may be affected by the consolidation of the two agencies

Outreach

- The study was completed in consultation with affected customers via an electronic survey, with more than 24,000 responses. See the Survey Methodology and Results document for complete results and methodology, as well as Appendices 3, 4 and 5 for survey questions, results and demographics.
- Impacted agencies were consulted directly via meetings with agency leadership and administrative staff.
- Stakeholder group representatives were engaged via direct meetings and direct contacts in the form of letters sent to leadership at the Department of Administration.

Conclusions and Recommendations

- **Do Not Consolidate Agencies:** Due to limited overlap between agency customers, customer sentiment against a merger, potential administrative difficulties presented by the potential merger and limited potential for savings, the agencies should not be merged. A merger could risk losing the generally high performance ratings of both agencies, most notably the 65.8 percent of respondents that rated their interactions with the Department of Safety and Professional Services as "Good" or "Very Good".
- **Move the Veterinary Examining Board to the Department of Agriculture, Trade and Consumer Protection:** Due to the historical relationship between the Veterinary Board and the department, as well as the close relationship with the veterinary profession, the Veterinary Examining Board should be transferred.
- **Improve Board Staffing and Examine Board Powers:** In response to feedback from impacted stakeholder groups, the study recommends improvements to board staffing, training and document management. The Department of Safety and Professional Services began making changes to improve these areas in 2012, which may have not yet been reflected in stakeholder sentiment. Additionally, the study recommends that the powers and duties of existing examining and advisory boards should be examined, to standardize board

practices, meeting schedules, actions on potential licenses and other issues. The study also recommends an examination of the overall practice of state licensure of professions.

- **Licensing Fees Charged by the Department of Safety and Professional Services should be Reexamined:** Most fees charged by the department are set administratively via a fee study, reviewed by the Joint Committee on Finance. These fees should be reexamined through the existing fee study process, with current budget assumptions.
- **Continue Agency Improvements on Document Management, Electronic Licensure and Electronic Communications:** The two departments have projects underway to improve document management, electronic licensing and customer communications. These projects should be continued, in close consultation with each other, other state agencies and the private sector.
- **The Department of Safety and Professional Services is a vital Point of Contact between the state and the public:** Over 380,000 individuals are licensed by the department in order to work in their chosen professions. Additionally, the department reviews the plans of most commercial buildings constructed in the state. This makes the agency one of the primary points of contact for state citizens. Efforts should be made to improve the customer service experience with the agency through additional LEAN Government/Six Sigma initiatives.

Part I: Background Information

Department of Safety and Professional Services

The Department of Safety and Professional Services (DSPS) serves as the state's primary entity for licensure of professionals, with over 388,000 active credential holders. Licenses issued by the agency are generally issued to individual professionals in a specific occupation. Professions are either regulated and licensed through an examining board or directly by the department, depending on the applicable governing statute for a specific license. In addition to the examining boards, there are also a large number of advisory boards attached to the agency. Advisory boards have less authority over the licensing requirements and regulation of various professions. These boards must be consulted when changes to regulations are made, but do not have final authority over changes.

The agency is also responsible for ensuring competent practice of licensed professionals, the safety of the construction and use of public and private buildings, and compliance with professional and industry standards.

Division of Policy Development

The Division of Policy Development provides administrative support and policy guidance to the professional boards by facilitating board meetings and serving as a liaison between the boards and the department. The division manages the administrative rule promulgation process for both professions regulated by examining boards and professions directly regulated by the agency. In addition, the division is responsible for managing continuing education and examination requirements for regulated professions.

Division of Legal Services and Compliance

The Division of Legal Services and Compliance provides legal services to professional boards regarding the investigation and discipline of licensed credential holders for violations of professional regulations. The division is also responsible for the complaint intake process, compliance monitoring, and a confidential program for impaired professionals. In addition, the division conducts business compliance inspections and financial audits.

Division of Industry Services

Within the Division of Industry Services, the Bureau of Field Services provides services related to the inspections, construction and operation of buildings, along with ensuring compliance with health and safety codes. The Bureau of Technical Services provides services such as plan review, consultation and product evaluation. The Bureau of Administrative Services provides administrative support to the division.

Division of Management Services

The Division of Management Services provides administrative services to the Office of the Secretary and all other divisions within the department. These services include human resources, payroll, planning, budget, accounting and information technology.

Division of Professional Credential Processing

The Division of Professional Credential Processing is responsible for all credential application processing, including determination of credential eligibility and credential renewal.

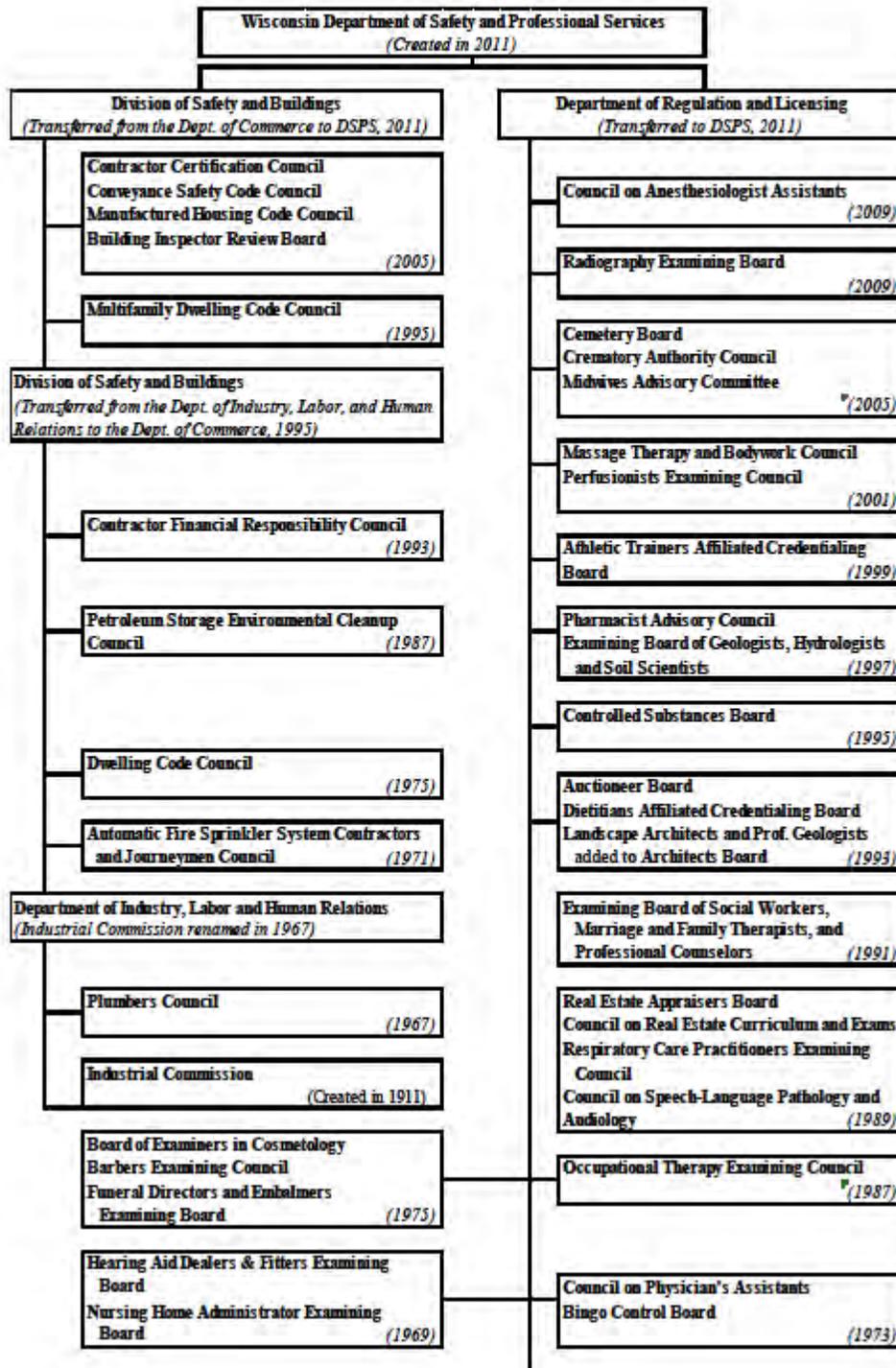
Agency History

Occupational licensing had previously been the responsibility of the Department of Regulation and Licensing (DRL), which is now DSPS. DSPS was created by combining several existing regulatory boards and commissions under one agency as a part of the broad reorganization of state government in the mid-1960s. Prior to the creation of DRL, professional occupations were regulated by independent examining boards that had the authority to regulate the professions, grant credentials and collect fees. Each of these independent boards had a separate budget and directly employed staff. The first such board was the Pharmacy Examining Board, created in 1882 with 16 additional independent examining boards or councils created through 1965. DRL existed, with additional responsibilities added over time, until 2011.

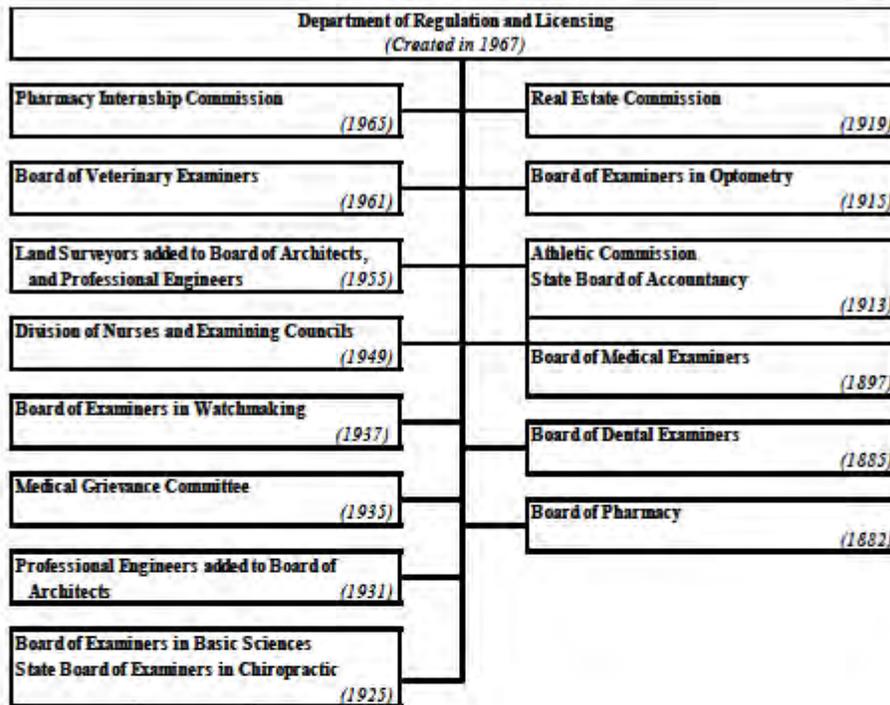
The 2011-13 biennial budget, 2011 Wisconsin Act 32, created the Department of Safety and Professional Services. DSPS was responsible for all the functions of DRL, as well as additional responsibilities related to environmental regulatory services, and safety and buildings, which were transferred from the Department of Commerce. As part of the 2013-15 biennial budget, the majority of functions related to environmental regulatory services were transferred to the Department of Natural Resources (DNR) and to DATCP, as noted below.

DSPS is almost entirely funded by licensing fees and plan review fees. Most of these fees are set administratively via a fee study, subject to review by the Joint Committee on Finance. The fees are intended to be set at rates that allow the department to function. In past fiscal years, due to statewide tax revenue constraints, state agencies, including DSPS, have been required to lapse a portion of their funding to the general fund in order for the fund to maintain a positive fund balance. Item 1 shows the history of the department:

Item 1: DSPS History



Item 1: DSPS History - Continued



Relevant Budget Changes

The 2013-15 biennial budget act made significant changes to DSPS responsibilities, by transferring functions to DNR and DATCP. This section details those changes.

The department had shared responsibility with DNR for administration of the Petroleum Environmental Cleanup Fund Award (PECFA) program and the abandoned tank removal program. PECFA reimburses owners for a portion of the costs incurred for remediation of contamination from leaking petroleum product storage tank systems and home heating oil systems.

DSPS was responsible for the financial reimbursement portion of the program, including review and payment of claims, and for administration of cleanup at low- and medium-risk petroleum sites. These responsibilities, along with associated funding and staff were transferred to DNR. Management of the petroleum inspection segregated fund, which is funded through a 2 cent per gallon tax on motor fuel, was also transferred to DNR. The functions were transferred to DNR because these functions were already partially covered by that agency and combining the split functions provided operational efficiencies. A net total of 3.0 FTE positions and \$485,700 was eliminated as a result of the transfer of responsibilities.

The department was also responsible for inspection and regulation of petroleum, and underground petroleum storage tanks. This includes private heating oil tanks as well

as tanks at retail gas stations. Responsibilities, funding, rule-making authority and staff were transferred from DSPS to DATCP. This change also created efficiencies because DATCP already performed inspections at retail gas stations, as part of its regulation of weights and measures. Before the transfer, both agencies conducted inspections at gas stations. By combining the two functions, time was saved on the part of both the state and the regulated gas stations. A net total of 6.5 FTE positions and \$405,700 was saved due to this transfer.

The following table shows the department's budget and total full-time equivalent positions (FTE) for the current and previous biennium.

Table 1: DSPS Budget

Budget Fiscal Year						
	2011-13 Biennium			2013-15 Biennium		
Fund Source	2012	2013	FTE	2014	2015	FTE
Program Revenue	\$66,004,400	\$66,254,400	302.3	\$48,506,300	\$48,774,400	261.6
GPR	2,413,200	2,413,200	1.0	2,412,300	2,412,300	1.0
Segregated Revenue	13,467,900	13,467,900	66.3	-	-	-
Total	\$81,885,500	\$82,135,500	369.6	\$50,918,600	\$51,186,700	262.6

Department of Agriculture, Trade and Consumer Protection

The Department of Agriculture, Trade and Consumer Protection (DATCP) works to assure a safe and secure food supply, healthy animals and plants; provide consumer protection; and ensure fair business practices. The department also works with partners in agriculture and business to ensure a vibrant agricultural sector and a clean environment.

The DATCP is a regulatory agency with jurisdiction over nearly all types of business, via consumer protection laws. The department has authority to adopt administrative rules that have the force of law. As a regulatory agency, the department seeks voluntary solutions, but it can use its enforcement authority when necessary. Statutes and administrative rules give DATCP the authority to conduct hearings and investigations, adopt rules, perform inspections, issue subpoenas, collect and analyze samples, issue compliance orders, and suspend or revoke licenses. In cooperation with a district attorney or the Department of Justice, DATCP may also prosecute law violations in court.

In addition to regulatory action, the department also provides services to consumers and businesses, and licenses over 100,000 individuals and businesses. Generally, DATCP licenses businesses more frequently than individuals.

Division of Food Safety

The Food Safety Division works to assure a safe, wholesome and secure food supply. The division enforces Wisconsin's food safety and labeling laws, licenses and inspects over 30,000 food establishments, and supervises local government inspection of others. Supermarkets fall under the jurisdiction of DATCP, while restaurants are inspected by the Department of Health Services. Both are inspected under the same regulatory regime.

The Food Safety Division regulates the entire food chain, from the agricultural producer to the consumer. That permits a comprehensive approach to food safety issues affecting producers, processors, distributors, retailers and consumers

Division of Trade and Consumer Protection

The Trade and Consumer Protection Division enforces consumer protection laws and rules, including jurisdiction over false sales or advertising claims and unfair business practices.

The division also enforces state weights and measures laws to ensure that consumers receive the advertised amount of the product they are purchasing. In doing so, the division tests commercial scales, gasoline pumps, price scanners and measuring devices, and enforces fair packaging and labeling requirements. According to national estimates, weights and measures enforcement saves the average family \$600 per year.

Division of Animal Health

The Division of Animal Health is responsible for ensuring all livestock in the state meet state and federal health standards. This ensures human safety, as well as animal

safety, because serious animal diseases may impact humans. Additionally, the division licenses various livestock businesses such as animal markets, animal dealers, animal trucker's licenses, and dog shelters and breeders.

Division of Agricultural Resource Management

The Agricultural Resource Management Division works to ensure good stewardship and responsible use of Wisconsin's land, water and plant resources. The division is responsible for safeguarding the resources that support the food chain, in part by regulating pesticides and other agrichemicals to protect public health and the environment. When spills occur, the division works to clean up agrichemical spills. The division also provides the following services:

- Helps landowners and local governments conserve Wisconsin's productive land and water resources;
- Establishes standards for facility siting ordinances and helps preserve farmland threatened by unplanned development and sprawl;
- Helps prevent pollution of surface water; and
- Works to control serious pests that threaten Wisconsin crops, forests and plant communities.

Division of Agricultural Development

The Agricultural Development Division is responsible for fostering a vibrant Wisconsin agricultural economy, by supporting farmers and agricultural businesses in the state. This division is responsible for promoting value-added development and diversification of the agricultural sector, promoting local sale and consumption of Wisconsin products, and connecting Wisconsin products with export opportunities.

Relevant Budget Changes

The 2013-15 biennial budget transferred the Tank and Petroleum Testing Program from DSPS to DATCP. This included the transfer of 36.0 FTE positions as well as associated funding, rule-making and enforcement authority. The budget made other less significant changes to the agency as well, but this item is the largest change in agency responsibilities and staffing.

The following table shows the department's budget and total FTE positions for the current and previous biennium.

Table 2: DATCP Budget

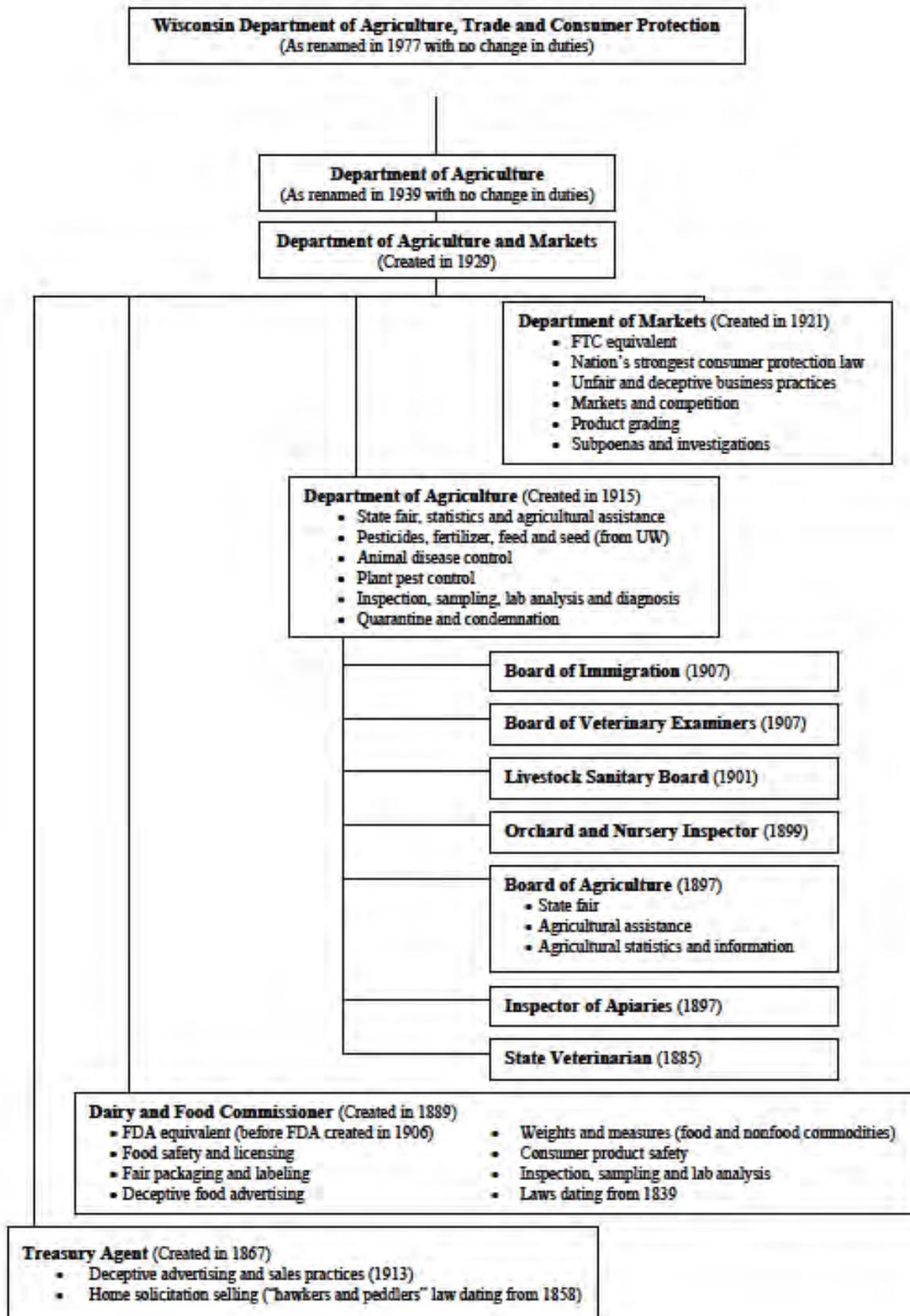
Budget Fiscal Year						
	2011-13 Biennium			2013-15 Biennium		
Fund Source	2012	2013	FTE	2014	2015	FTE
Program Revenue	\$44,213,800	\$44,389,200	283.6	\$37,103,100	\$37,048,700	283.6
GPR	26,612,300	28,375,900	210.0	26,878,900	26,488,800	211.0
Segregated Revenue	29,922,000	30,352,700	97.3	33,385,500	32,527,700	131.3
Total	\$100,748,100	\$103,117,800	590.6	\$97,367,500	\$96,065,200	625.9

Department History

The department formed in 1929 the direct descendent of the Department of Agriculture and Markets, formed in 1929 by combining the Department of Markets, the Department of Agriculture, the Treasury Agent and the Dairy and Food Commissioner. The agency has changed names twice since its inception, once to the Department of Agriculture in 1939 and again in 1977 to the current Department of Agriculture, Trade and Consumer Protection. However, the primary functions of the agency have not been modified with the name changes.

The agency has roots in laws that date before Wisconsin statehood and have strong ties to the state's agricultural history. The oldest of the laws were the initial consumer protection laws designed to ensure that agricultural products were of the advertised quality and quantity. These laws were enforced by the Treasury Agency. Food safety was also an early addition to the state's responsibilities, as the public demanded assurance that food was safe to eat. Early food safety laws were under the purview of the Dairy and Food Commissioner, created in 1889. The original Department of Agriculture was formed in 1915 from a combination of various boards with jurisdiction over agricultural products, animals and immigration. The following item shows the lineage of the agency:

Item 2: DATCP History



Part II: Public Involvement, Stakeholder Outreach and Agency Consultation

Survey Distribution and Methods

As a portion of the study, the Legislature required consultation with board members, stakeholders and the general public on issues related to consolidating the two departments. In an effort to efficiently and cost-effectively contact the largest number of stakeholders, an electronic survey was used. This survey was sent to impacted board members, stakeholder groups and individual license holders and was publicized via media outlets to attract a broad spectrum of public comment. More than 430,000 people were directly contacted with the survey.

The contact lists were generated by using an email list of DSPS license holders, email lists generated from the Office of Business Development interactions with Chambers of Commerce and economic development groups as well as business contacts throughout the state. The survey was also electronically distributed through over 350 DATCP- and DSPS- identified stakeholder groups with directions to forward the survey to group members.

Links to the on-line survey were sent to email addresses for all the license holders on file with DSPS, which totaled 428,954 emails. In addition to agency contacts, the survey was also distributed to members of the DATCP and DSPS attached boards, members of the Legislature, and via the Department of Administration Office of Business Development at various events and through Chambers of Commerce. The survey was also available to the general public via a Web site and was publicized through media outlets. Please see Appendix 2 for a copy of the email sent with the survey.

The survey itself was crafted by Department of Administration Staff, in consultation with policy analysts and reviewed by DSPS and DATCP. These questions and potential answers were then reviewed by survey experts within state government to ensure that the questions did not lead the respondents to a preferred response. Please see Appendix 3 for a copy of all survey questions as they were presented to survey respondents.

Survey respondents were asked basic demographic questions, and then asked about which state agencies they interacted with. The structure of the survey varied based on which agencies were listed. Respondents were then asked to rate various aspects of agency performance for the agencies they selected. If the respondents rated agency performance as poor or very poor, they were provided space to provide additional comments on the survey. After completing this section, all respondents were asked questions directly related to their opinions of a potential merger. At the end of the survey respondents were able to provide general open-ended responses.

Respondent Characteristics and Survey Highlights

The next section provides highlights and analysis of the survey results. For full results please see the Survey Methodology and Results document. The following table shows the total response by type of survey contact.

Table 3: Respondents by Source of Contact

Respondents by Source of Survey Contact		
Source of Contact	Respondents	Percent of Total
License Holders	23,438	93.9%
Office of Business Development Contacts	550	2.0%
DSPS Stakeholders	336	1.3%
Legislature	173	0.7%
Board and Councils	147	0.6%
DOA/Wisconsin Web site	128	0.5%
Other	177	0.2%
Grand Total	24,949	100.0%

As the table demonstrates, most of the respondents were professional license holders, although as seen below, DSPS stakeholders had the highest response rate. There were also significant responses from individuals that were directly contacted by the Office of Business Development and stakeholder groups contacted by DATCP. The following table shows respondents by the means of contact. See Appendix 6 for a complete list of stakeholder groups contacted.

Table 4: Respondents by Source of Contact

Respondents by Source of Survey Contact			
Source of Contact	Surveys Distributed	Respondents	Response Rate
License Holders	429,305	23,438	5.5%
Office of Business Development Contacts	1,596	550	34.5%
Other – Known Number Surveys Sent	3,214	463	14.4%
Other – Unknown Number of Possible Respondents	N/A	498	N/A

The following table shows the breakdown of respondents by their professions based on DSPS licensee categories, as self-identified by the respondents. Health professions are the best represented group and include doctors, nurses, pharmacists, dentists, dental hygienists, as well as social workers and other therapists. The next largest group did not identify a profession; however the majority of these respondents were also license holders. Some respondents identified combinations of multiple professions.

Table 5: Respondents by Profession

Respondents by Profession		
Profession	Respondents	Percent of Total
Health Professions	9,838	39.4%
No Response	7,451	29.9%
Business Professions	5,194	20.8%
Trades Professions	1,920	7.7%
Manufactured Housing	21	0.1%
Mixed Martial Arts/Boxing	14	0.1%
<i>Subtotal</i>	24,438	98.0%
Multiple Professions Identified/Multiple License Holder		
Business Professions; Trades Professions	210	0.8%
Health Professions; Business Professions	187	0.7%
Health Professions; Trades Professions	61	0.2%
Health Professions; Business Professions; Trades	28	0.1%
<i>Subtotal</i>	511	2.1%
Grand Total	24,949	100.0%

Please see Appendix 4 for full demographic information of the respondents.

Responses to the survey provided insight into three primary questions related to the appropriateness of the potential merger of the two agencies:

- How often are individuals customers of the Department of Safety and Professional Services, and the Department of Agriculture, Trade and Consumer Protection?
- Do agency customers see a need for a merger?
- Can a merger be recommended on the basis of poor performance on the part of either agency?

The following sections provide detail on how these questions are answered, based on responses to the survey.

Agency Contact Overlap

If large numbers of agency customers deal with both agencies, there would be a significant reason to combine the two. A merger would reduce the number of agencies contacted by an individual or business owner, potentially saving time and effort spent contacting multiple agencies.

Frequent contact with both agencies by customers would also indicate that the potential for agency operational efficiencies by combining the two agencies exists, by allowing the same staff to perform more than one function. For example, prior to the 2013-15 biennial budget request, the agencies determined that both DSPPS and DATCP were sending inspectors to gas stations to inspect fuel quality and to ensure the

accuracy of fuel pumps. Combining these functions at DATCP allowed inspections to occupy less of a business's time and allowed for efficiencies for the state. The following table shows the number of respondents that listed both DSPS and DATCP as agencies they contact in the course of doing business.

Table 6: Agency Overlap

To do business in Wisconsin, I have contact with the following agencies:	Respondents	Percent of Respondents
Contact both DSPS and DATCP to do business	830	3.3%
Contacts with DSPS, DATCP and other agencies to do business	613	2.5%
<i>Total</i>	<i>1,443</i>	<i>5.8%</i>
Total Respondents	24,949	100.0%

Only 5.8 percent of respondents indicated that they did business with both DSPS and DATCP, with 2.5 percent of those respondents listing at least one additional agency. This indicates that there is limited overlap between customer bases for the two agencies. Additionally, there was limited overlap between either agency or any other agencies in state government. The most frequently mentioned additional agency, linked with DSPS was the Department of Health Services, followed by the Department of Natural Resources. The most frequently mentioned combination of agencies with DATCP was the Department of Natural Resources. See Appendix 5 for tables detailing full results.

Other agencies were frequently mentioned, but in unique combinations or combinations that corresponded with few other respondents. The most frequently mentioned agency was the Department of Health Services, followed by the Department of Revenue and the Department of Natural Resources. The following table shows how frequently other departments were mentioned by survey respondents.

Table 7: Departments Listed – Other than DATCP or DSPS

Department	Responses
Health Services	1,344
Revenue	1,236
Natural Resources	1,115
Workforce Development	1,015
Financial Institutions	770
Other	548
Children and Families	432
Office of the Commissioner of Insurance	390
Public Instruction	331

Given the limited overlap between customers of both agencies, it is unlikely that there would be significant savings of time and effort on the part of the public if the agencies were combined. Additionally, these results indicate that there are likely limited operational efficiencies to be gained from combining the two agencies. These conclusions are corroborated by consultation with department staff, which indicated limited overlap among agency functions.

Respondent Views on a Potential Merger

The second question addressed by the survey relates to how directly impacted stakeholders viewed the possibility of merging the two agencies. Though licensees and board members may not have a strong sense of internal agency operations, they are among the best gauges of the amount of focus they receive from an agency. By asking them directly their opinions of a merger, the respondents indicate whether a new, combined agency would serve their interests.

Generally, survey respondents were opposed to a potential merger. Of those that provided a response to the question "If no savings were found from a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would you support the general concept of consolidation?" only 15.7% of respondents responded "Probably Yes" or "Definitely Yes." The following table shows the responses to the question, excluding 4,375 blank responses.

Table 8: Consolidation Responses

If no savings were found from a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would you support the general concept of consolidation?		
Excludes respondents that did not respond to the question		
Definitely Yes	873	4.2%
Probably Yes	2,364	11.5%
Not Sure	3,532	17.2%
Probably No	6,614	32.2%
Definitely No	7,191	35.0%
Total Respondents	20,574	100.00%

By stating that the respondents should decide if the agencies should be combined, absent of savings, the survey question gives a sense of whether agency customers feel they would see better service or have an easier time receiving the services they need from an agency if DSPPS and DATCP were combined. Another question looked directly at service expectations in the event of a merger. The following table shows responses to the question "How do you believe a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would affect the services to you as a license holder?" This table excludes 4,430 blank responses.

Table 9: Evaluation of Services

How do you believe a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would affect the services to you as a license holder?		
Excludes respondents that did not respond to the question		
Greatly improve service	192	0.9%
Improve service somewhat	760	3.7%
Not sure	8,308	40.5%
Reduce service somewhat	6,270	30.6%
Greatly reduce service	4,989	24.3%
Total Respondents	20,519	100.0%

Only 4.6 percent of respondents felt that merging the two agencies would improve services. This again indicates that the most directly impacted customers of the agencies do not see a potential for improved services between the two agencies.

The following table shows respondent concern that a combined agency would lose focus on the individual functions of the two predecessor agencies. This concern was echoed in stakeholder contacts and discussions with agency staff. Specifically, the agricultural industry expressed concern that a merger would move focus from agriculture issues.

Table 10: Agency Focus

If Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection were consolidated how do you think the focus of the new agency might change the current functions such as agriculture, food safety, consumer protection, building plan review and professional licensing?		
Excludes surveys that did not respond to the question		
Increase focus	749	3.6%
Stay the same	2,981	14.5%
Reduce focus	12,487	60.7%
Unsure	4,364	21.2%
Total Respondents	20,581	100%

Respondents were also given the opportunity to make additional comments at the end of the survey. These open-ended responses tended to relate to opinions about the potential for a merger, given the order in which the questions were asked. There were a total of 3,886 comments given in this space. These comments were categorized into seven categories.

Table 11: Comment Categories

Type of Comment	Respondents	Percentage
Pro-consolidation	332	8.5%
Anti-consolidation	1,877	48.3%
Increase Resources for Agency Functions	69	1.8%
Comments related to board responsiveness or operations	64	1.6%
Continuing Education Related Comments	109	2.8%
General Agency Complaints	271	7.0%
Other Comments	1,164	30.0%
Total	3,886	100.0%

The comments generally mirrored the sentiment of the general survey response, with the majority opposing the merger, with some supporting it. The arguments put forward in the comments provide insight into what respondents considered important.

Comments suggesting the agencies remain separate were primarily concerned with the two agencies having disparate functions, with the potential for a loss of agency focus on one function or the other. Some examples of comments opposing a merger:

"The two departments have totally different focuses. I do not believe the public's safety and concerns would be properly protected if these departments were combined!"

"The idea of consolidating too much causes more conflict and the chance of things backing up because [there] is too much of a work load and/or mixing things up. These departments do not seem to even correlate."

Generally, those in favor of a merger cited potential cost and efficiency improvements as reasons for the combination of the two agencies. Some examples of comments supporting a merger:

"Any consolidations should save tax dollars and we should EXPECT services to be [consistent] regardless of the structure. It should not be an either or. Expect results from all agencies."

"Consolidation should help to save on [personnel] and building overhead. Many businesses in WI have consolidated various [departments] to accommodate for lower income levels, the services provided to the state can do the same if there is a cost saving to be appreciate[d]."

The arguments made by commenters against a merger were also common when talking to stakeholder groups and agency staff, detailed later. Comments in favor of the merger assume savings, but given the limited overlap in agency responsibilities, these savings are limited, as examined in a later section of the study.

To summarize the public response to questions about a potential merger, respondents were generally opposed to merging the two agencies for two primary reasons. First, they did not expect improvement in the service provided to them in the event of a

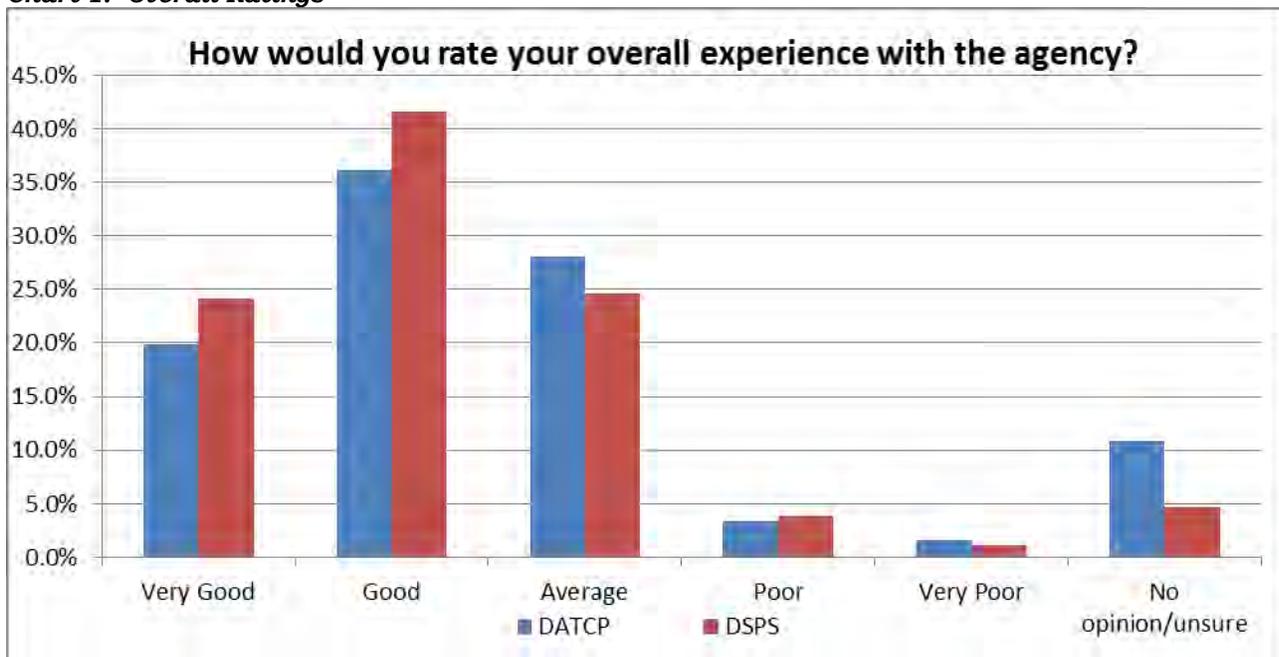
merger. Second, there is an expectation that the newly created agency would lose focus on the individual functions currently assigned to DSPS and DATCP.

Overall Performance Evaluation

Surveying agency customers about the overall performance of the agency gives insight into overall customer service quality. This provides an answer to the third question: Can a merger be recommended on the basis of poor performance on the part of either agency?

The following charts show the overall performance evaluation of two agencies: DSPS, DATCP. The following chart shows the responses to the question "How would you rate your overall experience with the agency?"

Chart 1: Overall Ratings



A total of 16,465 respondents expressed an opinion about DSPS's overall performance, with 1,555 respondents rating DATCP. Respondents expressed a relatively high overall rating of DATCP and DSPS. Respondents even had a relatively positive view of specific agency services such as the time that licenses are delivered after application. The following chart shows the responses to the question "How satisfied are you with the time it takes to receive your license after you apply?"

Chart 2: Response Time Satisfaction



In response to this question, 16,006 respondents expressed an opinion about DSPS's license response time, with 1,351 respondents rating DATCP. Generally, respondents were relatively satisfied with the service provided by the agencies. However, one area where there was less satisfaction was with the value provided by the licenses offered by DSPS. The following table shows that more than a quarter of respondents felt that they receive either minimal value or no value from the license provided by DSPS.

Table 12: License Value - DSPS

How much value do you believe there is relative to fees paid to be a DSPS license holder?		
Good Value	3,790	23.3%
Some Value	4,502	27.7%
Not Sure	3,722	22.9%
Minimal Value	3,516	21.6%
No Value	726	4.5%
Total Respondents	16,256	100%

Because of the general level of satisfaction of the two agencies' customers, making drastic changes to operations is inappropriate at this time. Organizational changes may disrupt service and confuse customers, reducing a relatively high level of service. However, an examination of the practice of licensing professionals may be appropriate, given perceived value of the license.

Agency and Stakeholder Group Contact

The Legislature required that the study consult with both impacted stakeholders and agency staff. The survey provided a broad base of contact with stakeholders. However, some stakeholder groups chose to respond directly. One such contact was a

letter from a large number of representative groups from the agriculture industry. This letter expressed concerns with the potential for a merger, based around the potential for one combined agency to lose focus on agricultural issues in the face of the increased agency responsibilities. Another stakeholder contact, with a representative for the Veterinary Medical Association, indicated that its primary concerns with DSPPS were related to ensuring that board meetings were consistently staffed and run smoothly. This group also formally requested that the Veterinary Board be moved from DSPPS to DATCP. However, generally impacted groups were not strongly in favor of a merger of the two agencies. Please see appendices 7,8 and 9 for direct contact letters from stakeholder groups.

When meeting with agency leadership and staff, the recurring theme was the limited overlap between the two agencies' customers. Very rarely did either DSPPS or DATCP indicate that they worked closely with the other agency, or referred customers to the other agency. Given the limited overlap, those consulted at the two agencies did not think that bolting one agency onto the other made sense, in terms of either creating internal efficiencies or improving customer service.

Part III: Fiscal Impact and Operational Issues of a Merger

After examining the operations of the two agencies included in the study, the fiscal savings from a potential merger would be limited. Each agency has significant field staff performing very different missions. Because of the varied nature of functions contained both within each agency and between the two agencies, most savings would be generated by eliminating executive unclassified positions and administrative positions.

There is no expected savings from combining the two agencies in terms of space costs, and no expected moving costs, since neither agency could be accommodated within the existing spaces available to either agency. If it was determined that all agency staff should be housed at one location, significant and costly expansion would be required of either the existing DSPS or DATCP facilities. Detailed cost estimates would need to be prepared at the time of the potential merger.

The largest portion of the savings would come from eliminating one set of executive unclassified staff for one of the agencies, including a secretary, deputy secretary, communications officer, assistant deputy secretary, chief legal counsel and a division administrator. The following table shows the expected savings from eliminating unclassified positions.

Table 13: Executive Staffing Savings

Position	FTE	Salary	Fringe Benefits	Total
Secretary	1.0	\$110,000	\$50,000	\$160,000
Deputy Secretary	1.0	100,000	40,000	140,000
Assistant Deputy Secretary	1.0	<u>100,000</u>	<u>40,000</u>	<u>140,000</u>
<i>Subtotal</i>	<i>6.0</i>	<i>\$310,000</i>	<i>\$130,000</i>	<i>\$440,000</i>

Three additional statutory positions, a Communications Director, Chief Legal Counsel and Division administrator positions could be eliminated. However, the duties performed by these positions would still be required. Completing these duties would create the need for additional management or operational staff, mitigating the savings created by elimination of executive staff.

Additional appropriation reductions could be realized by eliminating administrative positions in each agency, specifically in the agencies' human resources and budget areas. Though the new agency would warrant larger staffing in these areas, the positions identified for elimination are positions that have been vacant for an extended period. The following table shows potential savings from the elimination of the administrative staff positions.

Table 14: Administrative Staffing Savings – Vacant Positions

Position	FTE	Salary	Fringe	Total
Human Resources Manager	1.0	\$100,000	\$40,000	\$140,000
Budget and Policy Analyst	1.0	<u>50,000</u>	<u>20,000</u>	<u>70,000</u>
<i>Subtotal</i>		<i>\$150,000</i>	<i>\$60,000</i>	<i>\$210,000</i>

Since these positions are vacant, expenditure savings are currently occurring and as a result eliminating them would not generate new savings. Additionally, these positions may be eliminated in response to 2013-15 biennial budget provision requiring the elimination of 450.0 FTE positions across state government, before a merger could take place. Therefore, while eliminating the positions would reduce budgeted appropriations, it may not result in a net reduction in expenditures.

Together, expected staff savings would equal \$610,000 annually, which is the equivalent of 0.2 percent of the combined agency budgets. However, a portion of these savings would be offset by costs related to merging the two agencies. Given the limited operational overlap between the agencies, the primary cost would be related to design of the new agency's Web site to incorporate the two different functions. This is estimated at \$40,000, which reduces potential savings generated from the merger.

A merger would also generate additional costs related to updating administrative code of the existing agencies, in order to ensure statutory and agency references were up-to-date. All agency forms and licenses would also need to be updated. While agency costs to make these updates may be limited, the cost to comply with state regulations would increase for the public.

Administrative and Policy Concerns

In addition to the limited savings generated from the merger, there are significant administrative and policy concerns about a potential merger. A combined agency would only have one set of executive officers. A review of the two secretaries' schedules indicates that accommodating all meetings with agency customers and industry representatives would be very difficult. This could potentially be alleviated by creating an additional deputy secretary position, which would further limit the savings generated by a merger.

Another major issue would be determining the authority that the existing DATCP board would have over the examining and advisory boards attached to DSPS. Currently, the DATCP board has the ability to review and approve or alter any administrative rules that come out of DATCP. If this structure was retained, the DATCP board would have jurisdiction to review any rules made by the Medical Examining Board or any other board attached to DSPS. The DATCP board does not have representation or expertise in most of the areas regulated by the DSPS boards. The DATCP board could be increased in size to accommodate representation for each of the new industry areas. However, determining representation on this board would be difficult, and accommodating representation from each DSPS board would make the DATCP board difficult to manage and potentially ineffective. This could be

resolved by eliminating DATCP board oversight over portions of the new agency, which would undermine the case for a combined agency.

Part IV: Conclusions and Recommendations

After consulting with the public via the survey, stakeholders, administrative and executive staff in both agencies and analyzing the potential for savings in both agencies as the result of a merger, this study recommends against combining the two agencies. The potential savings generated and unknown costs do not justify the potential disruption in service and confusion among stakeholders. Furthermore, given the limited overlap between the two agencies, it is unlikely that bolting one agency to the other will provide for enhanced efficiency and customer service for any of the agencies' customers. However, examining each agency did show ongoing attempts to improve customer service and operations at both agencies, as well as potential new initiatives.

In response to the request from the Wisconsin Veterinary Medical Association, the Veterinary Examining Board should be moved to DATCP. Additionally, all enforcement functions related to enforcement of the practice of veterinary medicine should be moved to DATCP. This change is feasible because historical relationship between the Veterinary Board and DATCP, as well as the close relationship between the veterinary profession and the agency. The department has significant expertise in the veterinary field, and the DATCP board has members that are familiar with animal health issues.

One area of emphasis related to DSPS service was an improvement of board meeting staffing functions. After examining the agency operations and stakeholder opinions, it appears that some boards function well, while others may be improved or potentially eliminated. The department should institute a system of training on board powers, functions and the rule-making process for both board members and board staff, which would improve the effectiveness of the staff. As part of this process, DSPS should work with other agencies, including the Department of Natural Resources, that have attached boards to determine best practices for board staffing.

Due to reduced lapse assumptions, DSPS should reexamine the fee structure via a fee study that is reviewed by the Joint Committee on Finance, with current lapse assumptions. The new review of fees should take into account all options to potentially reduce the cost of compliance for businesses, including reducing fees and lengthening the period for which a license is valid.

The study recommends that a comprehensive examination of existing examining and advisory boards should occur, in consultation with the impacted licensees, board members and professional organizations to standardize board practices, meeting schedules and actions on potential licenses. Further, given the differences in opinion among license holders about the value of their license, it may be reasonable to conduct a review of professional licensing generally to determine how to best ensure continued excellence in professional services in the state.

Both DATCP and DSPS are in the process of creating an electronic document and contact management system. At DATCP, this system will allow businesses that must hold multiple permits, for example separate permits to operate a dairy, haul milk and sell cattle, to have one record on file for all of the permits, instead of a separate, paper record for each permit. This will save permit holders time and effort in renewing and acquiring new permits. Additionally, this will allow DATCP staff to focus less on paper

processing and more on direct customer service. Given the difficulty of distributing the survey tool used in this study, and the poor response rate from DATCP licensees, there is clearly room for improvement in terms of electronic communications at the department.

A similar data management project is underway at DSPS, which will aid in further automating the licensing process. The process for licensing at DSPS is already Internet-based, but this project will work to streamline the licensing process and improve document management. Improved document management will allow for easier access to board materials and other important department communications by the public. The two agencies should continue on the path of automation and should consult with each other, other state agencies and the private sector to determine best practices in establishing a new content management software suite.

Over 380,000 individuals are licensed by DSPS in order to work in their chosen profession. Additionally, DSPS reviews the plans of most commercial buildings constructed in the state. This makes the agency one of the primary points of contact for these citizens and others that choose to do business in the state, on par with an organization like the Division of Motor Vehicles in the Department of Transportation. Contact with such agencies is often where individuals form their overall opinion of government effectiveness and efficiency.

Working to improve the customer experience with DSPS should be a top priority. This can be achieved by instituting a strategic planning program at DSPS and developing performance measures for the agency, with input from staff and stakeholders to significantly improve agency function and customer service. In addition, the State Controller's Office is conducting a fiscal audit of DSPS. Any recommendations from this report about financial policies and procedures should be examined to improve internal financial processes.

Finally, the agency presents opportunities for process streamlining through the creation of a Six Sigma/LEAN Government program. DATCP has instituted a Six Sigma program and has made significant process improvements. Customer service and agency efficiency may also benefit from an outside review of operational and leadership practices from an operational consultant. The following table outlines some of the existing LEAN Government initiatives currently underway at the two agencies.

Table 15: Current LEAN Government Initiatives

Agency	Project	Goals, Results and Recommendations
DATCP	Out of State Travel Authorization	<ul style="list-style-type: none"> • Redesign process flow to move finance notification to end of process. • Provide documentation of the process, and instructions for appeal of denied requests. • Enhance electronic submittal process, currently in use in one division, to provide departmentwide service.
DATCP	Division of Food Safety Dissemination of Lab Results/ Agricultural Resource Management Dissemination of Lab Results	<ul style="list-style-type: none"> • Scan lab analysis report upon printing and email a .pdf version of the report to appropriate field staff. • Set up a system through GovDelivery to generate automated messages for field inspectors. • Encourage greater use of electronic database containing lab results. • Print lab reports for archival purposes, but also stored as image in special drive as a pdf file.
DATCP	Feed Sampling in the Bureau of Agrichemical Management	<ul style="list-style-type: none"> • Determine the appropriate number of surveillance feed samples to collect each year. • Develop standard procedures and guidance to ensure the appropriate number of surveillance feed samples are collected each year. • Increase, by a minimum of 200%, the number of surveillance feed samples collected in 2013 over those collected in 2012.
DATCP	SWRM cost-share transfers: Simplifying routine approvals	<ul style="list-style-type: none"> • Identify more efficient ways to process this routine transaction. • Reduce reliance on paper documentation. • Reduce workload for frontline staff.
DATCP	Division of Ag Resource Management - The Staff Trackers	<ul style="list-style-type: none"> • Information is collected in a timely and efficient manner. • Eliminate redundancy where it is found. • Reduce collection of inaccurate information.

DATCP	Bureau of Labs - Records Storage and Retrieval	<ul style="list-style-type: none"> • Determine the deficiencies of the current system and propose resolutions. • Define a systematic, efficient and applicable method for categorizing the records and documents. • Design a uniform and systematic nomenclature to be used for storage and retrieval of the records. • Provide sufficient directions to the BLS staff to organize, label their documents to be delivered for storage including the delivery location.
DATCP	Bulk Milk Weigher and Sampler Program	<ul style="list-style-type: none"> • Revise the Bulk Milk Weigher and Sampler (BMWS) licensing process to reduce cost for BMWS exam proctoring and field evaluations. • Ensure all BMWS license applicants receive an exam and licensing inspection before issuance of a temporary BMWS license. • Streamline the licensing process to increase external and internal customer satisfaction. • Improve Grade A dairy plant survey results by reducing the number of temporary BMWS licensees, licensed BMWS, and Appendix N samplers who are not inspected within the required period.
DATCP	Establish a consistent renewal process for registrations, certifications and licenses	<ul style="list-style-type: none"> • Standardize the process followed by program staff when reviewing applications for renewal of registrations, certifications and licenses. • Establish and measure baseline expectations for processing applications. • Reduce the amount of time required to renew a registration, certification or license. • Reduce the number of mistakes when verifying required information.
DSPS	Employee Training	<ul style="list-style-type: none"> • Improve process for training and approvals.

DSPS	Complaint Intake/Screening and Monitoring PAP Processes	<ul style="list-style-type: none"> To increase staff productivity and capacity through the improvement of the intake/screening, monitoring/PAP and records process. Processes have been streamlined and workloads appear to be balancing. A review/audit will be done by May 31, 2013 to assess the success of the project.
DSPS	Paperless Office - Phase 1	<ul style="list-style-type: none"> Promote operational effectiveness, a productive use of space, simplified processes and maximize staff resources. Eliminated 214 file cabinets, 18 bookcases, 144 feet of open shelving.
DSPS	Practice Question Procedure	<ul style="list-style-type: none"> Clarify the department's role as a regulatory agency and ensure that all documents interpreting statutes are identified. A new process for receiving and responding to professional practice questions was put in place.
DSPS	Electronic Plan Review - Phase 2	<ul style="list-style-type: none"> Improve the electronic plan review process through an analysis of current processes, procedures and tools.
DSPS	Case Resolution	<ul style="list-style-type: none"> Increase stakeholder satisfaction through the improvement of the case resolution process within the Division of Legal Services and Compliance. Achieved by target date and maintained consistency (52% reduction in pending caseload).
DSPS	Complaint Intake and Screening Process	<ul style="list-style-type: none"> Improve operational efficiency and stakeholder satisfaction through the centralization of complaint processing into the Division of Legal Services and Compliance.
DSPS	Document Consistency	<ul style="list-style-type: none"> Increase staff productivity, reduce errors, and create consistency in the production of documents by creating quality review processes and forms. Resulted in a much more comprehensive, review of legal work product along with a reduction in errors. Reduction in rejected proposed resolutions by professional boards.

Appendix 1: Statutory Charge

2013 Wisconsin Act 20, Section 9101(3s): Study concerning consolidation of the departments of safety and professional services and agriculture, trade and consumer protection.

- (a) The department of administration shall conduct a study concerning the consolidation of the functions currently being performed by the departments of safety and professional services and agriculture, trade and consumer protection under a single new agency in the executive branch of state government, to be named the department of agriculture, regulation, and trade.
- (b) In conducting the study under paragraph (a), the department of administration shall consult with the departments of safety and professional services and agriculture, trade and consumer protection and with the boards and councils attached to or under those agencies.
- (c) In conducting the study under paragraph (a), the department of administration shall consult members of the public who may be affected by the consolidation of the departments of safety and professional services and agriculture, trade and consumer protection and the creation of the department of agriculture, regulation, and trade.
- (d) No later than January 1, 2014, the department of administration shall submit a report of its findings from the study conducted under paragraph (a) to the joint committee on finance and, in the manner provided under section 13.172 (3) of the statutes, to the appropriate standing committees of the legislature. That report shall set forth the department of administration's recommendations concerning the proposed consolidation described under paragraph (a). If the department recommends consolidation, the report shall include the department's recommendations concerning all of the following:
 - 1. The organizational structure, programmatic functions, and performance objectives of the department of agriculture, regulation, and trade.
 - 2. Any reduction in staff that may be accomplished as a result of the consolidation of the departments of safety and professional services and agriculture, trade and consumer protection.
 - 3. Any board or council that may be eliminated as a result of the consolidation of the departments of safety and professional services and agriculture, trade and consumer protection.
 - 4. Any adjustment to credentialing fees that may be appropriate and the capability of revenue from credentialing fees to support the operations of the department of agriculture, regulation, and trade.
 - 5. Any function of or program under the departments of safety and professional services and agriculture, trade and consumer protection that should be transferred to an agency other than the newly created department of agriculture, regulation, and trade.
 - 6. Any way to improve the services to be provided by the department of agriculture, regulation, and trade.
- (e) If the department of administration recommends consolidation in its report under paragraph (d), the department shall also submit with that report draft legislation that implements, effective July 1, 2015, the department's recommendations made in the report.

Appendix 2: Copy of Generic Outreach Email sent to Survey Respondents

Good morning,

We are contacting you today as we would appreciate your feedback (including feedback from your organizations board and members) about possibly merging the Department of Safety and Professional Services (DSPS) and the Department of Agriculture, Trade and Consumer Protection (DATCP). Your input about how this consolidation may impact you is very valuable to us.

The 2013-15 state budget calls for a study about consolidating these two agencies. DSPS manages the licensing and regulation of professions in health, business and construction trades. They also oversee state building safety codes and provide services related to plan review, permit issuance, building and component inspection, and safety codes. DATCP is responsible for the promotion and regulation of Wisconsin's agriculture industry, including Agriculture Resource Management and Animal Health, as well as the oversight of food safety and consumer protection.

We ask that you complete the survey and forward this email to your members for their response so we can better understand how a potential consolidation may affect you. Your answers and contact information will be kept confidential and will not be used outside of the scope of this survey. All survey results will be tallied for any reporting purposes.

[TAKE THE SURVEY – your answers will be kept confidential](#)

Thank you in advance for your participation and input.
Office of Business Development

Note: throughout the survey, you will see the term 'license' which refers to any license, credential, certification, registration or permit. Please view the term to mean the document a state agency issues as a requirement to do business, perform an occupation or specific work activity in the State of Wisconsin.

Appendix 3: Survey Questions

Page 1

State Agency Involvement

My primary purpose for contact with an agency is: Select at least 1 and no more than 6.

- Obtain or renew an occupational license
- Register my business
- Obtain a permit for a specific activity
- I am a member of a Board or Council affiliated with an Agency
- I am a Representative of a Trade Association with interests to an Agency
- Other with significant Agency contact
- None of the Above

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Background Information

In which county do you reside?

To do business in Wisconsin, I have contact with the following agencies: Select at least 1 and no more than 3.

- Department of Safety and Professional Services (DSPS)
- Department of Agriculture, Trade and Consumer Protection (DATCP)
- Other agencies
- None

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Additional Agencies

Select additional agencies Select no more than 5.

- Children and Families, Department of
- Financial Institutions, Department of
- Health Services, Department of
- Insurance, Office of the Commissioner of
- Natural Resources, Department of

- Public Instruction, Department of
- Revenue, Department of
- Workforce Development, Department of
- Not on list, please specify

Enter Department Name

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Employee Count

In which county is your business located?

-- None --

How many full time people do you employ?

How many part time people do you employ?

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Profession or Industry

What best represents your profession or industry sector

- Health Professions
- Business Professions
- Trades Professions
- Manufactured Housing
- Mixed Martial Arts/Boxing

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Trade Professions

Select category.

- | | | |
|---|---|-------------------------------------|
| <input type="checkbox"/> Fire Sprinkler | <input type="checkbox"/> Dwellings, Structures, Sites | <input type="checkbox"/> Mechanical |
| <input type="checkbox"/> Blasting | <input type="checkbox"/> Conveyance | <input type="checkbox"/> Electrical |

Plumbing

Inspection

Agriculture/Food Industry Professions

Select license

- No license or permit required
- Animal Control Facility (eff. 6/1/2011)
- Animal Dealer License
- Animal Food Processor License
- Animal Import Permit (certain animals)
- Animal Market License
- Animal Shelter (eff. 6/1/2011)
- Animal Transport Vehicle (animal dealers, markets and truckers)
- Animal Trucker License
- Animals Diseased; Permit to Move
- Apiary Inspection Certificate; Interstate Movement
- Bulk Milk Tanker; Grade A Permit
- Bulk Milk Tanker; License to Operate
- Bulk Milk Weigher and Sampler License
- Butter Grader License
- Buttermaker License
- Cattle and Bison; Import Permit
- Cattle/Goats; Johne's Disease Herd Classification
- Cattle; Burcellosis-Free Herd Certification
- Cattle; Johne's Disease Vaccination Approval
- Cattle; Tuberculosis-Free Herd Certificate
- Cheese Grader License
- Cheese Logo (Wisconsin); Permit to Use
- Cheesemaker License
- Christmas Tree Grower License
- Dairy Farm; Grade A Permit
- Dairy Farm; Milk Producer License
- Dairy Plant - Grade A BMT Cleaning Facility
- Dairy Plant License

- Dairy Plant; Grade A Permit
- Dating Service
- Dead Animal Collector License
- Dead Animals; Carcass Dealer Registration
- Dead Animals; Transport Vehicle Permit
- Deer and Elk (Farm-Raised); Brucellosis Free Herd
- Deer and Elk (Farm-Raised); CWD Herd Status Program
- Deer and Elk (Farm-Raised); Herd Registration
- Deer and Elk (Farm-Raised); Hunting Preserve Registration Certificate
- Deer and Elk (Farm-Raised); TB Accredited Free Certification
- Deer and Elk (Farm-Raised); TB Qualified Herd Certification
- Deer and Elk; Import Permit
- Dog Breeder (eff. 6/1/2011)
- Dog Breeding Facility (eff. 6/1/2011)
- Dog Dealer (eff. 6/1/2010)
- Dog Dealer; Out-of-State (eff. 6/1/2011)
- Equine Quarantine Station; Permit
- Feed (Commercial); License to Manufacture or Distribute
- Feedlot (Approved Import Feedlot); Permit
- Fertilizer Product <24% NPK; Permit
- Fertilizer; License to Manufacture or Distribute
- Fish Farm Registration
- Fish Import Permit
- Fitness Center
- Food Marketing Permit (temporary permit for non-conforming label)
- Food or Farm Product Grader; License
- Food Processing Plant License (Wholesale)
- Food Retail Inspection; Agent County or Municipality
- Food Retail License
- Food Warehouse License
- Fur Farm
- Future Service Plan (Buyers Club)
- Ginseng Grower and Dealer Registration
- Goats; Brucellosis-Free Herd Certificate
- Goats; Tuberculosis-Free Herd Certificate
- Grain Dealer License

- Grain Warehouse Keeper License
- Grease Processor License
- Honey Producer - Certified
- Humane Officer Certification
- Industry Bulk Milk Truck / Tanker Inspector - Appointed
- Laboratory Analyst Certification (Dairy, Food and Water Labs)
- Laboratory Certification (Dairy, Food and Water Labs)
- Laboratory; Milk Screening Test Approval
- Landspreading Permit; Soils Containing Spilled Agrichemicals
- Liming Materials; Approval to Sell by Volume
- Liming Materials; License to Sell
- Livestock Premises Registration
- Livestock; Brand Registration
- Livestock; Permit to Move from Slaughter
- Maple Sap Processor Registration
- Meat Broker or Distributor Registration
- Meat Establishment License
- Meat; Mobile Slaughter or Processing; Registration Certificate
- Milk and Cream Tester License
- Milk Contractor License
- Milk Distributor License
- Mobile Air Conditioners; repair or Service Business; Registration
- Mobile Air Conditioners; Technician Registration
- Nursery Dealer License
- Nursery Grower License
- Pasteurizer Operator -- not a license or permit
- Pesticide Applicator Certification; Commercial
- Pesticide Applicator Certification; Private
- Pesticide Commercial Application Business License
- Pesticide Commercial Applicator (Individual) License
- Pesticide Dealer-Distributor License
- Pesticide Emergency Use Permit
- Pesticide Experimental Use Permit
- Pesticide Manufacturer & Labeler License
- Pesticide Special Local Need Registration
- Pesticide Special Use Permit

- Plant Health (Phyto Sanitary) Certificate
- Plant Pest (or Biological Control Agent); Permit to Move or Release
- Poultry; Certified Pullorum Tester (National Poultry Improvement Plan)
- Poultry; Disease-Free Flock Certification (National Poultry Improvement Plan)
- Poultry; Wisconsin Associate Flock Certification
- Poultry; Wisconsin Tested Flock Certification
- Public Warehouse Keeper License
- Renderer License
- Seed Labeler License
- Sheep; Brucella Ovis-Free Certificate
- Soil and Plant Additive; License to Sell
- Soil and Plant Additive; Product Permit
- Swine; Brucellosis-Free Herd Certificate
- Swine; Pseudorabies - Monitored Herd Certification
- Swine; Pseudorabies Qualified Negative Grow-Out Herd Certification
- Swine; Pseudorabies Vaccination Permit
- Swine; Pseudorabies Qualified Negative Herd Certification
- Telephone Solicitors Registration (Wisconsin "No Call" Program)
- Time-Share Seller; Security Requirement
- Vegetable Contractor License
- Veterinarian; Certification to Perform Official Disease Control Functions
- Weather Modification License
- Weather Modification Project Permit
- Weight Reduction Center; Security Requirement
- Weights and Measures; Liquid Fuel Vehicle Tank Meter License
- Weights and Measures; LP Gas Meter License
- Weights and Measures; Service Company License
- Weights and Measures; Service Technician Registration
- Weights and Measures; Vehicle or Livestock Scale Permit
- Weights and Measures; Vehicle Scale Operator License

Boxing and Mixed Martial Arts

Select license

- Boxing Contestant
- Boxing or Mixed Martial Arts Judge
- Boxing or Mixed Martial Arts Promoter
- Boxing or Mixed Martial Arts Referee
- Boxing or Mixed Martial Arts Ringside Physician
- Boxing or Mixed Martial Arts Timekeeper
- Mixed Martial Arts Contestant

Business Professions

Select license

- Accountant, Certified Public
- Accounting Corporation or Establishment
- Aesthetician
- Aesthetics Establishment
- Aesthetics Instructor
- Aesthetics School
- Appraiser, Certified General
- Appraiser, Certified Residential
- Appraiser, Licensed
- Architect
- Athlete Agent
- Auction Company
- Auctioneer
- Barber
- Barbering Apprentice
- Barbering Establishment
- Barbering Instructor
- Barbering Manager
- Barbering School
- Cemetery Authority (Licensed)
- Cemetery Authority (Registered)
- Cemetery Preneed Seller
- Cemetery Salesperson

- Certificate of Authorization: Architectural, Engineering or Designer of Engineering Systems Corp.
- Certificate of Authorization: Geology, Hydrology or Soil Science Corp.
- Certified General Appraiser
- Certified Public Accountant
- Certified Residential Appraiser
- Charitable Organizations
- Cosmetology Apprentice
- Cosmetology Establishment
- Cosmetology Instructor
- Cosmetology Manager
- Cosmetology Practitioner
- Cosmetology School
- Crematory Authority
- Designer of Engineering Systems
- Electrologist
- Electrology Establishment
- Electrology Instructor
- Electrology School
- Engineer, Professional
- Firearms Certifier
- Firearms Permit
- Fund-Raising Counsel
- Funeral Director
- Funeral Establishment
- Geologist
- Home Inspector
- Hydrologist
- Interior Designer
- Juvenile Martial Arts Instructor
- Land Surveyor
- Landscape Architect
- Licensed Appraiser
- Manicuring Establishment
- Manicuring Instructor
- Manicuring School
- Manicurist

- Nursing Home Administrator
- Peddler
- Private Detective
- Private Detective/Security Guard Agency
- Private Security Permit
- Professional Employer Group
- Professional Employer Organization
- Professional Engineer
- Professional Fund Raiser
- Real Estate Broker
- Real Estate Business Entity
- Real Estate Salesperson
- Real Estate Salesperson Apprentice
- Soil Scientist
- Timeshare Salesperson
- Warehouse for Cemetery Merchandise

Health Professions

Select license

- Acupuncturist
- Advanced Practice Nurse Prescriber
- Anesthesiologist Assistant
- Art Therapist
- Athletic Trainer
- Audiologist
- Behavior Analyst
- Chiropractic Radiological Technician
- Chiropractic Technician
- Chiropractor
- Clinical Substance Abuse Counselor
- Clinical Supervisor In Training
- Controlled Substances Special Use Authorization
- Dance Therapist

- Dental Hygienist
- Dentist
- Dietitian
- Drug or Device Manufacturer
- Hearing Instrument Specialist
- Independent Clinical Supervisor
- Intermediate Clinical Supervisor
- Licensed Midwives
- Licensed Practical Nurse
- Licensed Radiographer
- Limited X-Ray Machine Operator Permit
- Marriage and Family Therapist
- Massage Therapist or Bodywork Therapist
- Music Therapist
- Nurse - Midwife
- Occupational Therapist
- Occupational Therapy Assistant
- Optometrist
- Perfusionist
- Pharmacist
- Pharmacy (In State)
- Pharmacy (Out of State)
- Physical Therapist
- Physical Therapist Assistant
- Physician Assistant
- Physician
- Podiatrist
- Prevention Specialist
- Prevention Specialist in Training
- Private Pract. School Psychologist
- Professional Counselor
- Psychologist
- Registered Nurse
- Registered Sanitarian
- Respiratory Care Practitioner
- Sign Language Interpreter

- Sign Language Interpreter (Restricted)
- Social Worker
- Social Worker - Advanced Practice
- Social Worker - Independent
- Social Worker - Licensed Clinical
- Social Worker - Training Certificate
- Speech-Language Pathologist
- Substance Abuse Counselor
- Substance Abuse Counselor in Training
- Veterinarian
- Veterinary Technician
- Wholesale Distributor of Prescription Drugs

Manufactured Homes

Select license

- Manufactured Home Dealer
- Manufactured Home Installer
- Manufactured Home Manufacturer
- Manufactured Home Salesperson
- Manufactured Home Title
- Manufactured Home Community

Trades Professions - Fire Sprinkler

Select license

- Automatic Fire Sprinkler Contractor
- Automatic Fire Sprinkler Contractor – Maintenance
- Automatic Fire Sprinkler Fitter – Maintenance
- Automatic Fire Sprinkler System Apprentice
- Automatic Fire Sprinkler System Tester
- Automatic Fire Sprinkler System Tester Learner
- Journeyman Automatic Fire Sprinkler Fitter

Trades Professions - Blasting and Fireworks

Select license

- Blaster Class 1
- Blaster Class 2
- Blaster Class 3
- Blaster Class 4
- Blaster Class 5
- Blaster Class 6
- Blaster Class 7
- Fireworks Manufacturer

Trades Professions - Conveyances

Select license

- Elevator Apprentice
- Elevator Apprentice – Restricted
- Elevator Contractor
- Elevator Helper
- Elevator Mechanic
- Elevator Mechanic – Restricted
- Lift Apprentice
- Lift Helper
- Lift Mechanic

Trades Professions - Dwellings, Structures and Sites

Select license

- Dwelling Contractor
- Dwelling Contractor – Restricted
- Dwelling Contractor Qualifier

- Manufactured Home Installer
- Manufactured Home Manufacturer
- Manufactured Home Salesperson
- Soil Tester
- Weld Test Conductor
- Welder

Trades Professions - Electrical

Select license

- Beginner Electrician
- Electrical Apprentice
- Electrical Contractor
- Industrial Electrical Apprentice
- Industrial Journeyman Electrician License
- Journeyman Electrician
- Master Electrician
- Residential Electrical Apprentice
- Residential Journeyman Electrician License
- Residential Master Electrician License

Trades Professions - Inspection

Select license

- Boiler/Pressure Vessel Inspector
- Commercial Building Inspector
- Commercial Electrical Inspector
- Commercial Plumbing Inspector
- Elevator Inspector
- POWTS Inspector
- Rental Weatherization Inspector
- Soil Erosion Inspector
- Tank System Inspector

- UDC Construction Inspector
- UDC Electrical Inspector
- UDC HVAC Inspector
- UDC Inspection Agency
- UDC Plumbing Inspector

Trades Professions - Mechanical

Select license

- HVAC Contractor
- HVAC Qualifier
- Liquefied Gas Supplier
- Liquefied Gas Supplier – Restricted
- Refrigerant Handling Technician

Trades Professions - Plumbing

Select license

- Cross Connection Control Tester
- Journeyman Plumber
- Journeyman Plumber Restricted Appliance
- Journeyman Plumber Restricted Service
- Master Plumber
- Master Plumber Restricted Appliance
- Master Plumber Restricted Service
- Pipelayer
- Plumbing Apprentice
- Plumbing Learner Restricted Appliance
- Plumbing Learner Restricted Service
- POWTS Maintainer
- Utility Contractor

The following questions were asked about each of the following agencies:
Department of Agriculture, Trade and Consumer Protection
Department of Safety and Professional Services
Department of Children and Families
Department of Financial Institutions
Department of Health Services
Office of the Commissioner of Insurance
Department of Natural Resources
Department of Revenue
Department of Workforce Development
Other Agencies

Respondents were only asked these questions about an agency if they identified the agency as one they interacted with to do business.

Answer only those questions that apply to you

How would you rate your overall experience with the agency?

- Very Poor
- Poor
- Average
- Good
- Very Good
- No opinion/unsure

How would you rate the licensing process?

- Very Poor
- Poor
- Average
- Good
- Very Good
- No opinion/unsure

After submitting your application, what length of time did you wait for your license?Select no more than 1.

- 3 or less business days
- 4 - 7 business days
- 8 - 29 business days
- 30 days or longer

How satisfied are you with the time it takes to receive your license after you apply?

- Very dissatisfied
- Somewhat dissatisfied
- No opinion
- Somewhat satisfied
- Very satisfied

As a license holder, how do you stay up-to-date on changes in state law as it relates to your industry?Select no more than 1.

- Membership Association
- State Agency
- None of the above
- Other, please specify

How much value do you believe there is relative to fees paid to be a license holder?

- Good Value
- Some Value
- Not Sure
- Minimal Value
- No Value

How frequently, if at all, should you be required to renew your license? Select no more than 1.

- Leave as is
- Renew more frequently
- Renew less frequently
- Do not require renewal at all

What is your opinion of the continuing education (CE) requirements, if any, for your license? Select no more than 1.

- No CE is required now
- Ok as is
- Reduce the CE requirement
- Increase the CE requirement
- Do not require CE
- Additional comments on CE
- No opinion

Enter additional comments:

How would you improve your experience

⏪
⏩

How would you improve your experience with the licensing process

Consolidation Input

Do you believe there should be one agency responsible solely for Agriculture and food safety in Wisconsin? Select at least 1 and no more than 1.

- Definitely Yes
- Probably Yes
- Not Sure
- Probably No
- Definitely No

Do you believe there should be one agency responsible for all licensing and permitting in Wisconsin? Select at least 1 and no more than 1.

- Definitely Yes
- Probably Yes
- Not Sure
- Probably No
- Definitely No

If Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection were consolidated how do you think the focus of the new agency might change the current functions such as agriculture, food safety, consumer protection, building plan review and professional licensing?

- Reduce focus
- Stay the same
- Increase focus
- Unsure

How do you believe a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would affect the services to you as a license holder?

- Greatly reduce service
- Reduce service somewhat
- Not sure
- Improve service somewhat
- Greatly improve service

Do you believe that consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection will result in savings?

- Definitely Yes
- Probably Yes
- Not Sure
- Probably No
- Definitely No

If consolidation results in lower costs to the agency, how would you want the savings used?

- Return savings to taxpayers
- Use savings to reduce license fees
- Invest savings to provide better service
- Other, please specify

If no savings were found from a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would you support the general concept of consolidation?

- Definitely Yes
- Probably Yes
- Not Sure
- Probably No
- Definitely No

Please use the space below to provide additional comments

Appendix 4: Respondent Demographics

Table 1: Total Respondents by County					
County	Respondents	Percentage	County	Respondents	Percentage
None Indicated	8,340	33.4%	Marathon	405	1.6%
Adams	54	0.2%	Marinette	105	0.4%
Ashland	48	0.2%	Marquette	38	0.2%
Barron	115	0.5%	Menominee	2	0.0%
Bayfield	57	0.2%	Milwaukee	2,102	8.4%
Brown	687	2.8%	Monroe	108	0.4%
Buffalo	34	0.1%	Oconto	105	0.4%
Burnett	43	0.2%	Oneida	144	0.6%
Calumet	133	0.5%	Outagamie	443	1.8%
Chippewa	209	0.8%	Ozaukee	342	1.4%
Clark	62	0.2%	Pepin	26	0.1%
Columbia	188	0.8%	Pierce	67	0.3%
Crawford	55	0.2%	Polk	93	0.4%
Dane	2,518	10.1%	Portage	186	0.7%
Dodge	225	0.9%	Price	51	0.2%
Door	117	0.5%	Racine	422	1.7%
Douglas	103	0.4%	Richland	64	0.3%
Dunn	119	0.5%	Rock	348	1.4%
Eau Claire	362	1.5%	Rusk	24	0.1%
Florence	10	0.0%	Saint Croix	204	0.8%
Fond du Lac	308	1.2%	Sauk	190	0.8%
Forest	15	0.1%	Sawyer	58	0.2%
Grant	117	0.5%	Shawano	83	0.3%
Green	150	0.6%	Sheboygan	289	1.2%
Green Lake	57	0.2%	Taylor	41	0.2%
Iowa	79	0.3%	Trempealeau	66	0.3%
Iron	23	0.1%	Vernon	73	0.3%
Jackson	46	0.2%	Vilas	86	0.3%
Jefferson	239	1.0%	Walworth	246	1.0%
Juneau	49	0.2%	Washburn	62	0.2%
Kenosha	284	1.1%	Washington	437	1.8%
Kewaunee	61	0.2%	Waukesha	1,468	5.9%
La Crosse	409	1.6%	Waupaca	132	0.5%
Lafayette	50	0.2%	Waushara	58	0.2%
Langlade	59	0.2%	Winnebago	436	1.7%
Lincoln	66	0.3%	Wood	237	0.95%
Manitowoc	217	0.9%			
Counties Represented		72			
Total Respondents		24,949			

Table 2: Respondents by Profession		
Profession	Respondents	Percent of Total
Health Professions	9,838	39.4%
No Response	7,451	29.9%
Business Professions	5,194	20.8%
Trades Professions	1,920	7.7%
Manufactured Housing	21	0.1%
Mixed Martial Arts/Boxing	14	0.1%
<i>Subtotal</i>	<i>24,438</i>	<i>98.0%</i>
More than One Response		
Business Professions; Trades Professions	210	0.8%
Health Professions; Business Professions	187	0.7%
Health Professions; Trades Professions	61	0.2%
Health Professions; Business Professions; Trades Professions	28	0.1%
Business Professions; Trades Professions; Manufactured Housing	9	0.0%
Trades Professions; Manufactured Housing	9	0.0%
Business Professions; Manufactured Housing	4	0.0%
Business Professions; Trades Professions; Mixed Martial Arts/Boxing	1	0.0%
Health Professions; Business Professions; Trades Professions; Manufactured Housing; Mixed Martial Arts/Boxing	1	0.0%
Health Professions; Mixed Martial Arts/Boxing	1	0.0%
<i>Subtotal</i>	<i>511</i>	<i>2.1%</i>
Grand Total	24,949	100.0%

Table 3: Respondents by Reason for Agency Contact		
Reason for Contact	Respondents	Percent of Total
Obtain or renew an occupational license	16,921	65.5%
None of the Above	2,880	11.1%
Obtain or renew an occupational license; Register my business	1,162	4.5%
Obtain or renew an occupational license; Obtain a permit for a specific activity	611	2.4%
Obtain or renew an occupational license; Register my business; Obtain a permit for a specific activity	503	1.9%
Other with significant Agency contact	462	1.8%
Obtain a permit for a specific activity	384	1.5%
Register my business	355	1.4%
Obtain or renew an occupational license; Other with significant Agency contact	314	1.2%
I am a member of a Board or Council affiliated with an Agency	246	1.0%
I am a Representative of a Trade Association with interests to an Agency	207	0.8%
Multiple Responses - Other	904	3.5%
Grand Total	24,949	100.0%
Table 4: Respondents by Source of Survey Contact		

Source of Contact	Respondents	Percent of Total
License Holders	23,438	93.9%
Other via Office of Business Development	497	2.0%
DSPS Stakeholders	336	1.3%
Legislature	173	0.7%
Boards and Councils	147	0.6%
DOA/Wisconsin Website	128	0.5%
Not Available	39	0.2%
Chamber via Office of Business Development	33	0.1%
Bus Development via Office of Business Development	20	0.1%
DATCP Lists	12	0.0%
DSPS Lists	8	0.0%
Lt Governor Lists	2	0.0%
Cooperative Network	1	0.0%
Grand Total	24,949	100.0%

Table 5: Categorized responses to the question: How many full time people do you employ?		Categorized responses to the question: How many part time people do you employ?	
Employees	Respondents	Employees	Respondents
Zero	573	Zero	980
Between 1-10 Employees	1,063	Between 1-10 Employees	829
Between 11-50 Employees	224	Between 11-50 Employees	91
Between 51-100 Employees	53	Between 51-100 Employees	10
Between 101-1000 Employees	51	Between 100-1000 Employees	26
Over 1001 Employees	10	Over 1001 Employees	2
<i>Subtotal</i>	<i>1,974</i>	<i>Subtotal</i>	<i>1,938</i>
No response	22,975	No response	23,011
Total	24,949	Total	24,949

Appendix 5: Complete Survey Responses - DATCP and DSPS

Table 1: Do you believe there should be one agency responsible for all licensing and permitting in Wisconsin?		
Response	Respondents	Percentage
No Response	4,247	17.0%
Definitely No	1,408	5.6%
Probably No	1,968	7.9%
Not Sure	2,917	11.7%
Probably Yes	5,861	23.5%
Definitely Yes	8,548	34.3%
Total Respondents	24,949	100.0%

Table 2: Do you believe there should be one agency responsible solely for Agriculture and food safety in Wisconsin?		
Response	Respondents	Percentage
No Response	4,248	17.0%
Definitely No	875	3.5%
Probably No	1,177	4.7%
Not Sure	4,377	17.5%
Probably Yes	5,855	23.5%
Definitely Yes	8,417	33.7%
Total Respondents	24,949	100.0%

Table 3: How do you believe a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would affect the services to you as a license holder?		
Response	Respondents	Percentage
No Response	4,430	17.8%
Greatly improve service	192	0.8%
Improve service somewhat	760	3.0%
Not sure	8,308	33.3%
Reduce service somewhat	6,270	25.1%
Greatly reduce service	4,989	20.0%
Total Respondents	24,949	100.0%

Table 4: Do you believe that consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection will result in savings?

Response	Respondents	Percentage
No Response	4,352	17.4%
Definitely No	1,401	5.6%
Probably No	5,319	21.3%
Not Sure	6,245	25.0%
Probably Yes	6,209	24.9%
Definitely Yes	1,423	5.7%
Total Respondents	24,949	100.0%

Table 5: If no savings were found from a consolidation of Department of Safety and Professional Services and Department of Agriculture, Trade and Consumer Protection would you support the general concept of consolidation?

Response	Respondents	Percentage
No Response	4,375	17.5%
Definitely No	7,191	28.8%
Probably No	6,614	26.5%
Not Sure	3,532	14.2%
Probably Yes	2,364	9.5%
Definitely Yes	873	3.5%
Total Respondents	24,949	0.0%

Performance Evaluation Questions – DATCP

DATCP - How would you rate your overall experience with the agency?		
Very Good	309	19.9%
Good	562	36.2%
Average	436	28.1%
Poor	53	3.4%
Very Poor	24	1.5%
No opinion/unsure	169	10.9%
Total	1,553	100%
Not Asked/No Response	23,396	

DATCP - How would you rate the licensing process?		
Very Good	228	15.0%
Good	510	33.6%
Average	413	27.2%
Poor	65	4.3%
Very Poor	17	1.1%
No opinion/unsure	285	18.8%
Total	1,518	100%
Not Asked/No Response	23,431	

DATCP - After submitting your application, what length of time did you wait for your license?		
3 or less business days	202	16.7%
4 - 7 business days	421	34.9%
8 - 29 business days	468	38.8%
30 days or longer	115	9.5%
Total	1,206	100%
Not Asked/No Response	23,743	

DATCP How satisfied are you with the time it takes to receive your license after you apply?		
Very satisfied	385	28.5%
Somewhat satisfied	364	26.9%
No opinion	449	33.2%
Somewhat dissatisfied	100	7.4%
Very dissatisfied	53	3.9%
Total	1,351	100%
Not Asked/No Response	23,598	

DATCP - How much value do you believe there is relative to fees paid to be a license holder?		
Good Value	253	18.3%
Some Value	373	26.9%
Not Sure	367	26.5%
Minimal Value	305	22.0%
No Value	87	6.3%
Total	1,385	100%
Not Asked/No Response	23,564	

DATCP - How frequently, if at all, should you be required to renew your license?		
Renew more frequently	13	1.0%
Leave as is	805	59.7%
Renew less frequently	427	31.7%
Do not require renewal at all	104	7.7%
Total	1,349	100%
Not Asked/No Response		23,600

DATCP - What is your opinion of the continuing education requirements, if any, for your license?		
Increase the CE requirement	75	5.5%
Ok as is	710	51.6%
No CE is required now	184	13.4%
No opinion	110	8.0%
Reduce the CE requirement	161	11.7%
Do not require CE	93	6.8%
Other	43	3.1%
Total	1,376	100%
Not Asked/No Response		23,573

Performance Evaluation Questions – DSPS

DSPS - How would you rate your overall experience with the agency?		
Very Good	3,986	24.2%
Good	6,850	41.6%
Average	4,047	24.6%
Poor	626	3.8%
Very Poor	184	1.1%
No opinion/unsure	772	4.7%
Total	16,465	100%
Not Asked/No Response		8,484

DSPS - How would you rate the licensing process?		
Very Good	4,320	26.4%
Good	6,699	40.9%
Average	4,007	24.5%
Poor	783	4.8%
Very Poor	188	1.1%
No opinion/unsure	385	2.4%
Total	16,382	100%
Not Asked/No Response		8,567

DSPS - After submitting your application, what length of time did you wait for your license?		
3 or less business days	3,557	22.8%
4 - 7 business days	4,885	31.3%
8 - 29 business days	5,358	34.3%
30 days or longer	1,830	11.7%
Total	15,630	100%
Not Asked/No Response	9,319	

DSPS - How satisfied are you with the time it takes to receive your license after you apply?		
Very satisfied	6,489	40.5%
Somewhat satisfied	4,154	26.0%
No opinion	3,236	20.2%
Somewhat dissatisfied	1,414	8.8%
Very dissatisfied	713	4.5%
Total	16,006	100%
Not Asked/No Response	8,943	

DSPS - How much value do you believe there is relative to fees paid to be a license holder?		
Good Value	3,790	23.3%
Some Value	4,502	27.7%
Not Sure	3,722	22.9%
Minimal Value	3,516	21.6%
No Value	726	4.5%
Total	16,256	100%
Not Asked/No Response	8,693	

DSPS - How frequently, if at all, should you be required to renew your license?		
Renew more frequently	111	0.7%
Leave as is	9,981	60.9%
Renew less frequently	5,548	33.9%
Do not require renewal at all	737	4.5%
Total	16,377	100%
Not Asked/No Response	8,572	

DSPS - What is your opinion of the continuing education requirements, if any, for your license?		
Increase the CE requirement	864	5.3%
Ok as is	8,844	53.9%
No CE is required now	2,388	14.6%
No opinion	588	3.6%
Reduce the CE requirement	1,780	10.9%
Do not require CE	1,131	6.9%
Other	798	4.9%
Total	16,393	100%
Not Asked/No Response	8,556	

Appendix 6: List of Stakeholder Groups Contacted

DATCP Groups

Number	Organization
1.	211 (Badger Bay Management Co.)
2.	ABS Global, Inc.
3.	AgrAbility of Wisconsin
4.	Alta Genetics
5.	Babcock Institute
6.	Bioforward
7.	Bull Studs Emergency Management, Accelerated Genetics
8.	Capitol Consultants, Inc.
9.	Capitol Strategies
10.	Center for Dairy Profitability
11.	Center for Integrated Agricultural Systems (CIAS)
12.	Chippewa County Economic Development Corporation
13.	Concerned Auto Recyclers of WI
14.	Cooperative Network Association
15.	Dairy Business Assn
16.	Dane County Farmers Market
17.	Daybreak Foods
18.	Department of Health
19.	Department of Natural Resources
20.	Department of Public Instruction
21.	DeWitt, Ross & Stevens
22.	Discover Mediaworks
23.	Easter Seals Wisconsin
24.	Equity Cooperative Livestock Sales Association
25.	ExxonMobil Refining and Supply Company
26.	FairShare CSA Coalition
27.	Farley Center for Peace, Justice & Sustainability
28.	Focus on energy
29.	Fondy food Center
30.	Food and Beverage Milwaukee
31.	Food Export Association of the Midwest
32.	Genex
33.	Ginseng Board of Wisconsin
34.	GLCI Steering Committee/NRCS
35.	Gold'n Plump Poultry
36.	Gorst Valley Hops
37.	GrassWorks
38.	Great Lakes Farm to School Network
39.	Green County Beef Producers

40.	Growing Power
41.	Growmark
42.	Health First Wisconsin
43.	Hmong Wisconsin Chamber of Commerce
44.	Indianhead Food Service Distribution
45.	Indianhead Polled Hereford Association
46.	Indianhead Sheep Breeders Association
47.	International Society of Weighing and Measuring
48.	Jennie-O Turkey Store, Inc.
49.	Kettle Moraine Mink Breeders
50.	MacFarlane Pheasants, Inc.
51.	Madison Area Community Supported Agriculture
52.	Madison International Trade Association
53.	Madison Region Economic Development Partnership
54.	Marathon Petroleum
55.	Master Meat Crafter Program
56.	McKay Nursery
57.	Michael Best & Friedrich LLP
58.	Michael Fields Agriculture Institute
59.	Midwest Food Processors Association
60.	Midwest Grocers Association
61.	Midwest Organic and Sustainable Education Service
62.	Midwest Organic Services Association
63.	Midwest Pickle Association
64.	Midwest Pinzgauer Association
65.	Milwaukee International Trade Association
66.	New North, Inc.
67.	NFO - Wisconsin
68.	Organic Advisory Council
69.	Organic Valley
70.	Professional Dairy Producers of WI
71.	REAP Food Group
72.	Reindeer Owners & Breeders Association (R.O.B.A.)
73.	SE Wisconsin Farm and Food Network
74.	Sexing Technologies Inc.
75.	Small Business Development Center - Milwaukee
76.	Southwest Badger Resource Conservation & Development Council
77.	Spring Rose Growers Cooperative
78.	Syngenta
79.	The Welch Group
80.	Transform WI
81.	U.S. Commercial Service Midwest

82.	U.S. Small Business Administration-Madison
83.	USDA Rural Development
84.	UW Cooperative Extension
85.	UW Extension
86.	UW Extension – Emergency Management
87.	UW Madison - CALS
88.	UW Madison - Center for Integrated Agricultural Systems
89.	UW Madison -West Madison Ag. Research Station
90.	UW River Falls
91.	UW Superior
92.	UW-Madison Animal Science Dept.
93.	UW-Madison Food Science
94.	UW-River Falls Animal Science Dept.
95.	WAGA, WATA, WBGA, WFGV
96.	Whitetails of Wisconsin (W.O.W.)
97.	WI/MN Petroleum Council
98.	Wisconsin Agribusiness Council
99.	Wisconsin Agricultural Tourism Association
100.	Wisconsin Agri-Service Assoc.
101.	Wisconsin AgroSecurity Resource Network
102.	Wisconsin Airport Management Association
103.	Wisconsin Angus Association
104.	Wisconsin Apple Growers Association
105.	Wisconsin Aquaculture Association, Inc.
106.	Wisconsin Association of Fairs
107.	Wisconsin Association of FFA
108.	Wisconsin Association of Meat Processors
109.	Wisconsin Association of Professional Agricultural Consultants
110.	Wisconsin Automobile & Truck Dealers Association Inc.
111.	Wisconsin Automotive Aftermarket Association
112.	Wisconsin Bakers Association Inc.
113.	Wisconsin Beef Council
114.	Wisconsin Berry Growers Association
115.	Wisconsin Cattlemen’s Assn
116.	Wisconsin Cattlemen's Association
117.	Wisconsin Center for Dairy Research
118.	Wisconsin Cheese Makers Assn
119.	Wisconsin Cherry Board
120.	Wisconsin Cherry Growers Inc.
121.	Wisconsin Christmas Tree Producers Association
122.	Wisconsin Commercial Deer & Elk Farmers Association
123.	Wisconsin Commercial Flower Growers Association

124.	Wisconsin Corn Growers Assn
125.	Wisconsin Corn Promotion Board
126.	Wisconsin Cranberry Board
127.	Wisconsin Cranberry Growers Association
128.	Wisconsin Dairy Artisan Network
129.	Wisconsin Dairy Products Association
130.	Wisconsin Economic Development Corporation
131.	Wisconsin Emu Association
132.	Wisconsin Farm Bureau Federation
133.	Wisconsin Farm Service Agency
134.	Wisconsin Farmers Union
135.	Wisconsin Fire Chief's Association
136.	Wisconsin Fire Inspectors Association
137.	Wisconsin Food Hub Cooperative
138.	Wisconsin Foodie
139.	Wisconsin Fresh Market Vegetable Growers Association
140.	Wisconsin Grape Growers Association
141.	Wisconsin Grass-fed Beef Cooperative
142.	Wisconsin Green Industry Federation
143.	Wisconsin Grocers Association
144.	Wisconsin Hereford Association
145.	Wisconsin Holstein Association
146.	Wisconsin Honey Producers Association
147.	Wisconsin Horse Council
148.	Wisconsin Innovation Kitchen
149.	Wisconsin Insurance Alliance
150.	Wisconsin Jersey Breeders Association
151.	Wisconsin Jewelers Association
152.	Wisconsin Livestock and Meat Council
153.	Wisconsin Livestock Breeders Association
154.	Wisconsin Local Food Network
155.	Wisconsin Manufacturing Extension Partnership
156.	Wisconsin Maple Syrup Producers Association
157.	Wisconsin Marina Association
158.	Wisconsin Milk Marketing Board, Inc.
159.	Wisconsin Mint Board
160.	Wisconsin Nursery Growers Association
161.	Wisconsin Obesity Prevention Network
162.	Wisconsin Office of Rural Health
163.	Wisconsin Paper Council
164.	Wisconsin Petroleum Council (WPC)
165.	Wisconsin Petroleum Equipment Association

166.	Wisconsin Petroleum Equipment Contractors Association (WisPEC)
167.	Wisconsin Petroleum Marketers and Convenience Store Association
168.	Wisconsin Pork Association
169.	Wisconsin Potato and Vegetable Growers Association
170.	Wisconsin Potato Board
171.	Wisconsin Potato Industry Board
172.	Wisconsin Poultry & Egg Improvement Assn
173.	Wisconsin Propane Gas Association
174.	Wisconsin Red and White Cattle Association
175.	Wisconsin Restaurant Association
176.	Wisconsin Rural Partners
177.	Wisconsin Rural Women's Initiative
178.	Wisconsin Self-Service Laundry Association
179.	Wisconsin Sheep Breeders Cooperative
180.	Wisconsin Sheep Dairy Cooperative
181.	Wisconsin Shorthorn Association
182.	Wisconsin Show Pig Association
183.	Wisconsin Simmental Association
184.	Wisconsin Sod Producers Association
185.	Wisconsin Soybean Association
186.	Wisconsin Soybean Board
187.	Wisconsin Specialty Cheese Institute
187.	Wisconsin Specialty Cheese Institute
188.	Wisconsin State Cranberry Growers Association
189.	Wisconsin Transportation Builders Association
190.	Wisconsin Utilities Association
191.	Wisconsin Veterinary Medical Assoc.
192.	Wisconsin Veterinary Medical Association
193.	Wisconsin Winery Association
194.	World Beef Expo
195.	World Trade Center Wisconsin
196.	WTCS Ag Education

DSPS Groups

Number	Organization
1.	American Massage Therapy Association, WI Chapter
2.	Chiropractic Society of Wisconsin
3.	Funeral Service and Cremation Alliance of Wisconsin
4.	International Union of Operating Engineers Local #139
5.	Iron Workers District Council of the North Central States
6.	Lake State Lumber Association

7.	Leading Age Wisconsin
8.	League of Wisconsin Municipalities
9.	Madison Area Builders Association
10.	Mechanical Contractors Association of Wisconsin
11.	Medical College of Wisconsin
12.	Mental Health America of Wisconsin
13.	Miron Construction
14.	National Association of Chain Drug Stores
15.	National Association of Social Workers – WI Chapter
16.	National Electrical Manufacturers Association
17.	Novartis Pharmaceuticals Corporation
18.	Otsuka America Pharmaceutical, Inc.
19.	Pharmaceutical Research and Manufacturers of America (PhRMA)
20.	Pharmacy Society of Wisconsin
21.	Reckitt Benckiser Pharmaceuticals Inc
22.	Southeast Dental Associates
23.	Sunovion Pharmaceuticals, Inc
24.	Takeda Pharmaceuticals America
25.	VJS Construction Services
26.	Wal-Mart
27.	Wisconsin Academy of Ophthalmology
28.	Wisconsin Academy of Physician Assistants
29.	Wisconsin Alliance of Hearing Professionals
30.	Wisconsin Amusement and Music Operators
31.	Wisconsin Association for Marriage and Family Therapy
32.	Wisconsin Association of Nurse Anesthetists
33.	Wisconsin Association of School Nurses
34.	Wisconsin Athletic Trainers Association, Inc.
35.	Wisconsin Builders Association
36.	Wisconsin Business Alliance
37.	Wisconsin Chapter of the American Academy of Pediatrics
38.	Wisconsin Chapter of the American College of Emergency Physicians, Inc.
39.	Wisconsin Chiropractic Association
40.	Wisconsin Dental Association
41.	Wisconsin Dental Hygienists Association

Appendix 7: Stakeholder Contact – Agriculture Sector

October 30, 2013

Mr. Andrew Hitt
Assistant Deputy Secretary
Department of Administration
P.O. Box 7864
Madison, WI. 53707-7864

We are writing to you, as representatives of farm, cooperative, commodity and agri-business organizations, to express our deep concern with certain language in the 2013-15 biennial budget Act 20 inserted by the Joint Finance Committee. As you know, this language directs the Department of Administration to study the possible consolidation of the functions performed by the Department of Agriculture, Trade and Consumer Protection (DATCP) and the Department of Safety and Professional Services (DSPA), into a new agency to be named the Department of Agriculture, Regulation, and Trade (DART). As you are aware, the study seeks to evaluate the consolidation of agency programs, reform licensing, and potentially eliminate advisory boards and councils.

First, we believe any potential benefits from a consolidation of the two agencies are offset by substantial concerns we have about the future integrity of DATCP and its vital role as the state's major agricultural and consumer protection advocate. Many of the functions at DSPA **do not** fit DATCP's core responsibilities in such critical areas as animal health, food safety, consumer protection, agricultural resource management, and agricultural industry partnerships. We fear consolidation could cause DATCP to drift from its agricultural advocacy and consumer protection mission because DSPA is focused on the review of nearly 50 diverse boards and councils, including the Cemetery Board, Controlled Substances Board, Crematory Authority Council, Hearing and Speech Examining Board, Perfusionists Examining Council, Midwives Advisory Committee and the Sign Language Interpreter Council, among many others. DSPA is also responsible for ensuring the safe and competent practice of licensed professionals in Wisconsin. This is a very different mission than DATCP's current agricultural and consumer protection mission.

Second, an expected purpose of the potential consolidation is to save taxpayer dollars. We are very concerned that, should a consolidation occur, the only "savings" would be from the reduction or elimination of important DATCP programs because many of its programs are still funded by state taxpayer dollars rather than by fees because they benefit the general public. By contrast, DSPA typically collects fees to run its professional licensing and oversight boards. In other words, we fear that over time, DATCP would look much more like DSPA rather than like DATCP due to expected budget cuts should consolidation occur. Please note that DATCP has already been greatly -- and disproportionately -- impacted by the loss of federal "earmarked" appropriations and state budget cuts that have resulted in the elimination or at least temporary defunding of some worthy programs.

If the study determines that the elimination of DSPA as a self-standing agency is important from a government efficiency standpoint, we are not opposed to that outcome. We realize that in DSPA's brief history, a number of functions have been transferred out of the agency, including

those initiated through 2013 Act 20. However, we believe transfers of specific regulatory programs should be strategic and logical in terms of what agencies are impacted. For example, the Auctioneer Board, Veterinary Examining Board and oversight of anhydrous ammonia tank systems may logically be attached to DATCP. However, if specific transfers such as those are recommended, we request that it not affect the function of the DATCP Board. Wisconsin agriculture and agribusiness strongly supports the continuation of the Board of Agriculture, Trade and Consumer Protection, which is populated with seven members with an agricultural background and two as consumer representatives.

We enjoy a beneficial partnership with DATCP and strongly support the agency's focus on agriculture and consumer protection. Wisconsin's \$59 billion agricultural industry is diverse and has thrived in part due to public policy initiatives that have assisted in our ability to produce food and fiber for citizens of our nation and the world. Please be advised that we would strongly oppose any recommendation that would diminish DATCP's continued ability to be our strong partner. Thank you for taking our perspective into consideration as you proceed with the study that the Legislature directed you to undertake.

Sincerely,

Cooperative Network – Bill Oemichen
1 S. Pinckney St., Suite 810, Madison, WI 53703

Dairy Business Association – Laurie Fischer
PO Box 13505, Green Bay, WI 54307-3505

GROWMARK, Inc. – Chuck Spencer
P.O. Box 2500, Bloomington, IL 61720-2500

Midwest Food Processors Association – Nick George
4600 American Pkwy., Suite 210, Madison, WI 53701-1297

Wisconsin Agri-Business Association – Tom Bressner
2801 International Lane, Suite 105, Madison, WI 53704

Wisconsin Agribusiness Council – Ferron Havens
PO Box 46100, Madison, WI 53744-6100

Wisconsin Association of Professional Agricultural Consultants – Eric Birschbach
2276 Dahlk Circle, Verona, WI 53593

Wisconsin Cattlemen's Association – Terry Quam
N706 Hwy 113, Lodi, WI 53555

Wisconsin Cheese Makers Association – John Umhoefer
8030 Excelsior Dr., Suite 305, Madison, WI 53717-1950

Wisconsin Corn Growers Association – Bob Oleson

W1360 Hwy. 106, Palmyra, WI 53156

Wisconsin Dairy Products Association – Brad Legreid
8383 Greenway Blvd., Middleton, WI 53562

Wisconsin Farm Bureau Federation – Paul Zimmerman
PO Box 5550, Madison, WI 53705

Wisconsin Farmers Union – Darin Von Ruden
117 West Spring Street, Chippewa Falls, WI 54729

Wisconsin Green Industry Federation – Brian Swingle
12342 W. Layton Ave., Greenfield, WI 53228

Wisconsin National Farmers Association – Don Hamm
955 17th St., Prairie du Sac, WI 53578

Wisconsin Pork Association – Mike Wehler
P.O. Box 327, Lancaster, WI 53813

Wisconsin Potato and Vegetable Growers Association – Duane Maatz
P.O. Box 327, Antigo, WI 54409

Wisconsin Poultry and Egg Association – Pat Stonger
533 E. Tyranena Park Rd., Lake Mills, WI 53551

Wisconsin Soybean Association – Bob Karls
2976 Triverton Pike Dr., Madison, WI 53711-5898

Wisconsin State Cranberry Growers Association – Tom Lochner
132 E. Grand Ave., Suite 202, Wisconsin Rapids, WI 54495-0365

Wisconsin Veterinary Medical Association – Kim Pokorny
2801 Crossroads Drive, Suite 1200, Madison, WI 53704

Cc: Secretary Mike Huebsch
Secretary Ben Brancel

**Appendix 8: Letter from Wisconsin Veterinary Medical Association
Representatives**



2801 Crossroads Drive
Suite 1200
Madison, WI 53718
(608) 257-3565
Fax: (608) 747-8989
wvma@wvma.org
www.wvma.org

December 3, 2013

Mr. Joe Knilans and Ms. Nancy Mistele
Wisconsin Department of Administration
Office of Business Development
101 East Wilson Street, 10th Floor
P.O. Box 7864
Madison, WI 53707-7864

VIA EMAIL and U.S. MAIL

RE: Request from the Wisconsin Veterinary Medical Association to Move the Veterinary Examining Board from
DSPS to DATCP

Dear Mr. Knilans and Ms. Mistele:

On behalf of the Board of Directors of the Wisconsin Veterinary Medical Association (WVMA), I am writing to formally request that you consider the merits of the following changes as a part of your study of the Wisconsin Department of Safety and Professional Services (DSPS):

- (1) Move the Veterinary Examining Board (VEB) from DSPS to the Department of Agriculture, Trade and Consumer Protection (DATCP);
- (2) Move the enforcement authority for unauthorized practice of veterinary medicine to DATCP (currently with the DSPS Division of Enforcement); and
- (3) The VEB to remain an independent board.

In our opinion, moving the VEB to DATCP would increase the efficiency and quality of the services available to the VEB, the public and licensed veterinarians in Wisconsin for the following reasons:

- DATCP houses the Wisconsin State Veterinarian;
- DATCP houses the state Division of Animal Health, which works to protect animal and human health, and to control serious animal diseases (many of which also threaten humans);
- DATCP houses the state Division of Food Safety, which works to ensure the production and delivery of safe food to consumers (veterinarians play a vital role in animal food production); and
- DATCP's attorneys are familiar with both animal health and consumer protection issues and will be well-suited to handling VEB support, as well as unauthorized practice enforcement issues.

We do not recommend the transfer of any staff from DSPS to DATCP. Rather, we recommend transferring the funding for staff positions and allowing the Secretary of DATCP to use that funding to compensate existing or new staff members to handle VEB support and unauthorized practice issues.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Chris Booth, DVM".

Chris Booth, DVM
President, WVMA Board of Directors

cc Kim Pokorny, Executive Director, WVMA
Jordan Lamb, DeWitt Ross & Stevens

Appendix 9: Letter from Professional Association of Wisconsin Licensed Investigators

Joe Knilans – Director
Office of Business Development
P.O. Box 7864
Madison, WI 53705-7854

Re: Private Investigator Licensing and Restructuring

Mr. Knilans:

I appreciate this opportunity to work with you on the restructuring. For the last 7 years, I have been working on the need for improvement of the professionalism for investigators in Wisconsin.

There are a surprisingly large number per capita of investigators licensed. Four times that of Minnesota, and double that of Illinois. (See the report on the surrounding states also sent to you).

The last 5 years, I have been president of the association in Wisconsin and the main focus has been on education. If a person has chosen a profession and wishes make a living with that profession, it would seem logical that they would want to be good at the job. Failing to keep up on the regulations, laws and techniques would make them less likely to make their client happy.

Our association, Professional Association Of Wisconsin Licensed Investigators, has a Professional Review Committee. This might be considered as Internal Affairs. A few times a year we receive complaints from clients about the way an investigator handled a case. This might be anything from lack of professional service to in appropriate conduct. Whatever the complaint, whether or not the accused is a member, every dissatisfied client affects the reputation of all investigators.

For those that are not members, all we can do is to refer the plaintiff to the state. If a member, we do have a certain amount of pressure we can apply to help satisfy the problem.

Out of the almost 800 licenses issued, (I believe that is the number given to me by your office), we have only 150 members. So we know that 150 of them care enough about being better that they sought out sources of knowledge, or at least thinking that being able to claim membership makes them look better in an advertisement. So that puts them ahead of the 650 who don't even do that.

During the year we have regional and one day seminars in addition to the Annual Conference lasting 2 1/2 days and covering 12 – 15 hours of training; law changes, tactics, techniques, equipment are just some of the topics presented.

We have a survey permanently active on the website for the membership to let us know what they want to learn. We have an email group handling 10 – 20 emails a day exchanging ideas and answering questions about an aspect of a case.

So, from the 800 we are down to 150 who find advantages in joining PAWLI. Now, the next step is the number who actually attend conferences. That reduces it to a little less than 100. So we have 100 licensed investigators in the state who actively care about being good at their job. That means that 700 don't think they need to learn anything, or just don't care

Just one example of the problems we face. And the answer is reducing the number of persons gaining a license with little to no desire to do the job well

Bureau Of Technical Services

PO Box 191 Chippewa Falls, WI 54729
715-726-1400

Bureau of Technical Services
bts@tacticalsurveillance.com

Tactical Surveillance Insertion Team
tsit@tacticalsurveillance.com

Knight Hawk Investigations
khi@tacticalsurveillance.com

So the first question is, “how easy is it to get a license?”

There are no requirements. Pass a test and buy insurance. Think of professional investigators being the same as police. We handle all the same cases, criminal defense, family law, insurance fraud, corporate white collar and the security agent handles the equivalent of the patrol officer. It takes an associate degree in Criminal Justice to be eligible to be hired by the police department.

Minnesota and Illinois require thousands of hours of training in the job before they can get their own license. They also require continuing education credits.

So what can be done to help fix the problem?

In the past, my conversations with the state have boiled down to one obstacle in mandatory CEUs. The state cannot dedicate the funds required to monitor training. Funds are hard to come by, I get that. So I have spent the last three years creating the answer.

The PAWLI website has been designed to keep track of CEUs. Every person who attends a class, no matter from where or who, if pertinent and accredited, they get the units documented. For right now, it is working for all members in the database. And the database does not have a limit of how many can be recorded. The programming keeps track of the topic the date and number of credits received. One year from the date received, the credit automatically drops. (this can be changed to any interval future regulation might require). And when needed, the individual logs in and prints out a certificate as needed for proof of attendance.

This is good for members, but what about everyone else?

The site was designed for handling members and non-members. The only difference is the rest of the benefits of being a member are not available to non-members but they would still have the credits documented and certificates available.

So how do we keep track of who attends what?

A couple years ago, I presented the state with a proposition on a credential for investigators that would be more formal and professional than the coupon issued by the state. To review the conversations, the barber or tattoo artist would rarely have to pull the license out of the wallet to get the job done. But an investigator does this daily. It is the proof on the street that they are a professional doing their job and the piece of paper just does not even look real.

The result is a design for an ID that officially is a PAWLI membership card. A picture ID that is laminated plastic with hologram security, listing the name, license number and agency. More to the point at this time, it also has a RFID chip in the card. PAWLI is in the process of implementing another design feature of the website. Keeping track of who attended what.

Let's say that 750 people are attending the annual conference. The schedule is programmed in so the computer knows what is being presented at what time. As the person walks in, they are scanned and documented for being present without even removing their wallet. If they turn around and leave, it documents that also. At the end of the day, a person could log into the database and see the credits accumulated on that day already credited.

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So, you see, PAWLI has provided the answer to keeping track. It is not a proposal for something that can be done. It is up and working. PAWLI can provide IDs for the non-members as well so they will be able to take advantage of the technology, but it is also a better answer that the state issue similar ID cards as credentials to all investigators and security agents so the additional card is not necessary.

All of this helps the professionalism in two ways:

1. If a licensee is required to keep up with the changes in the profession like a considerable number of other Wisconsin professions with far less impact on the security of the citizen, then those who do not wish to participate will not be allowed to have a license.
2. Those who feel that being good at their job is worth the effort in training will then have raised the level of professionalism. Which was the goal in the first place.

The additional topic of concern was the transfer of regulation from DSPS to Agriculture. Not sure why Agriculture other than maybe there is some correlation of process.

I suggested in our short phone conversation that I would like to see the Investigators and Security under the Attorney General. As mentioned above, the job is very similar to the law enforcement. We work the same jobs, we testify in court, process and present evidence and many other points of similarity.

I am not suggesting that the requirements for obtaining an investigators license be the same as law enforcement. That high of standard is nice but not practical. But positioning this profession under the division that understands the requirements of the job, allows for future developments to be more easily implemented. Much like Minnesota's PIs under the Bureau of Criminal Apprehension.

Again, I appreciate the opportunity to present my ideas. I am anxious to work with you, finding a way to make changes that improve the professionalism. I am available for any committee. As the president of PAWLI it is my proud job to represent the profession in this state and I look forward to future discussions.

James Greenwold
President – PAWLI

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Illinois Requirements

Illinois Requirements Licensing of Private Investigators And Proprietary Security Force

Illinois has a different license for Security and Investigator As of October of 2013 , there are 1091 investigators and 560 security personnel. There is also an agency license for each of those.



Applicant is the Licensee in charge. Structured under Sole Proprietor, Partnership or Corporation..

Additionally, there is a Permanent Employee Registration Card (PERC) that can be held by employees of an agency for which there has to be at least one full license holder.

Investigators can carry fire arms after 40 hours of training. There are no restrictions as to where you can carry. Every 2 years the investigator has to re-qualify with a formal test.



An examination is necessarily passed by 70% or greater to qualify. The passing score is valid for 6 years at which time it becomes void. Then the applicant needs to reapply with the full process.

In January, IL will be enacting their citizen carry permit. It is still not decided if this permit will replace the current or if it will have restrictions that the current one does not.

The license is for 3 years. There is a \$500 initial fee and then \$450 for each renewal. The Agency license is approximately the same price and duration.

The PERC card is \$55 and a \$45 renewal fee every year.

All holders have the same renewal date, May 31st.

Liability insurance is mandatory. There is no bond required.

Some one with a PERC card has to acquire 3 years experience out of the last 5 years before applying for a PI license.

Illinois PI Requirements Private Detective Licensure Exam Information

Experience / Education Documentation

Fees are charged for the process of applying.
Firearms control card \$75 and a renewal fee of \$45.
Proprietary Security Force fee is \$300 and the renewal is \$200.
Firearm instructor application fee is \$75 with a renewal of \$45.
A 40 hour Firearm Training Course has a \$100 application fee.

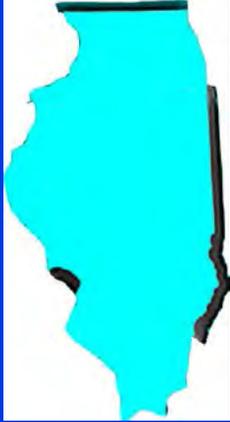
Fingerprints from vendor licensed by Illinois for background

Regulations for Investigators and Security are listed in the Public Acts

If you want to download the Public Act in its entirety there is a PDF available.

All applicants should review the changes to the Public Act.

Licensure by endorsement is no longer available. Everyone has to take and pass exam.



Illinois Requirements

SUBPART A: PRIVATE DETECTIVE

Section 1240.10 Application for Examination and Licensure – Private Detective
Section 1240.20 Application for Licensure – Private Detective Agency

SUBPART B: PRIVATE ALARM

Section 1240.100 Application for Examination and Licensure – Private Alarm Contractor
Section 1240.110 Application for Licensure – Private Alarm Contractor Agency

SUBPART C: PRIVATE SECURITY

Section 1240.200 Application for Examination and Licensure – Private Security Contractor
Section 1240.210 Application for Licensure – Private Security Contractor Agency

SUBPART D: LOCKSMITH

Section 1240.300 Application for Examination and Licensure – Locksmith
Section 1240.310 20 Hour Basic Training Course – Locksmith
Section 1240.320 Record keeping Requirements – Locksmith (Repealed)
Section 1240.330 Application for Licensure – Locksmith Agency

SUBPART E: PROPRIETARY SECURITY FORCE

Section 1240.400 Registration of Proprietary Security Force

SUBPART F: GENERAL

Section 1240.500 Definitions
Section 1240.501 Licensee-in-charge
Section 1240.502 Application for Branch Office License
Section 1240.505 20-Hour Basic Training Course – Private Detective, Alarm Contractor, Security
Section 1240.510 Firearm Training Course
Section 1240.515 Approval of Firearm Training Programs and Firearm Instructors
Section 1240.520 Permanent Employee Registration Card
Section 1240.525 Refusal to Issue Registration Card or FCC Due to Criminal Record Information
Section 1240.530 Firearm Control Cards
Section 1240.535 Record-keeper Requirements
Section 1240.540 Reporting Requirements
Section 1240.550 Renewals
Section 1240.555 Endorsement
Section 1240.560 Restoration
Section 1240.561 Inactive Status
Section 1240.565 Requests for Duplicate Certificates
Section 1240.570 Fees
Section 1240.575 Conduct of Hearings
Section 1240.580 Investigation by the Division
Section 1240.585 Granting Variances

SUBPART G: FINGERPRINT VENDOR

Section 1240.600 Application for Licensure – Fingerprint Vendor
Section 1240.610 Licensure - Fingerprint Vendor Agency
Section 1240.620 Fingerprint Vendor – Standards, Unethical, Unauthorized, Conduct
Section 1240.630 Fingerprint Vendor – Training

SUBPART H: CANINE HANDLER

Section 1240.700 Canine Handler Training Course Requirements
Section 1240.710 Canine Handler Authorization Card
Section 1240.720 Canine Handler Training Program
Section 1240.730 Canine Trainer Authorization Card
Section 1240.740 Canine Handler and Canine Training Instructor – Unprofessional Conduct



Minnesota Requirements

Minnesota Investigator and Protective Agents Application Procedures

The division of "types" of license holders are divided into:

Individual - which is listed as a sole proprietor

- A person with a corporation related to the business can not claim sole proprietorship.

Partnership or Corporation.

- A "Qualified Representative managing the day to day business is the license holder.
- A Minnesota Manager is the holder if the business is based out side of MN.

Insurance policy for applicant alone @ \$10,000 to 51 employees @ \$100,000.

A Surety Bond of \$10,000 at the time of application.

Mandatory employment experience.

Document 6,000 hrs of investigative experience in 1 or more of:

Private Investigator

- As an investigator with a licensed agency
- U.S. Government
- Police department
- Other experience that the board would deem relevant.

A protective agent has the same requirements just replace investigator with PA. Additionally, PA requires experience in security systems, audits, and supervisor of other security personnel.

There are 211 private investigators and 100 security agents licensed in the state.

Fees for investigators:

- Individual \$1000
- Partnership LLP \$1700
- Corporation LLC \$1900

Director is trying to change 0-1 person \$540 PI license

Fees for Protective Agents:

- Individual \$1,000
- Partnership LLP \$1,700
- Corporation LLC \$1,900

No test is taken

Experience package is submitted to board and, upon successful evaluation, board grants license.

Preliminary training of 12 hours before field operations

Mandatory CEUs 12 hr / 2 years

12 additional hours / 2 yr for firearm training if applicable.

Director Greg Cook is working on a statute to make unlicensed activity a felony. Now just the now \$35 fine.

No ID for carry is issued by state, however the individual is allowed to purchase an ID from an outside vendor.



Minnesota Requirements

Minnesota Department of Safety

General Licensing Information

Application and Requirements

To request an application packet, send a \$25 check or money order.

License Holders

Private Detective License Holders Protective Agent License Holders

Fees

Fee Schedule

Minnesota Administrative Rules

General

- 7506.0100 Definitions.
- 7506.0110 Internal procedures.
- 7506.0120 [Repealed, 22 sr 711]
- 7506.0130 Licensing and qualification.
- 7506.0140 Fees.
- 7506.0150 Conduct and ethics.
- 7506.0160 Complaint procedures.
- 7506.0170 Penalties.
- 7506.0180 License reinstatement.

Certified training programs

- 7506.2200 Board certification of training programs.
- 7506.2300 Minimum req for board-certified training programs.
- 7506.2500 Revocation or suspension of certification status.
- 7506.2600 Preassignment or on-the-job training requirements.
- 7506.2700 Continuing education requirements.
- 7506.2900 Failure to satisfy training requirements.



Minnesota Requirements

Statutes For Private Detective and Protective Agent Services

Definitions MNS§326.32

Employees of license holders MNS§326.336

- Background check
- ID card
- Failure to return property
- Confidentiality

Training MNS§326.3361

- Rules
- Required content
- Use of weapons
- Full-time peace officers

Persons as Private Detectives or Protective Agents MNS§326.338

- Private Detective
- Protective Agent

Exemptions MNS§326.3341

Licenses MNS§326.3381

- Prohibition
- Application procedures
- Disqualification
- Business entry applicant
- Nonresident applicant

Application for license MNS§326.3382

- Application form
- Documents accompanying application
- Proof of insurance (Bond and proof of financial responsibility)
- License disqualification
- Special protective agent classification

License Re issuance MNS§326.3383

- Requirements
- Appearance
- Bond and proof of financial responsibility

Prohibited Acts MNS§326.3384

- Prohibition
- Penalty

Conditions of Licensing MNS§326.3385

- Notice of address change
- Notice of successor
- Surrender of license
- Penalty

Fees MNS§326.3386

Disciplinary Action MNS§326.3387

Administrative Penalties MNS§326.3388

Licenses Nontransferable MNS§326.3389

Violations; Penalty MNS§326.339

Iowa Regulations



Iowa Requirements Private Investigators and Security Agents

Iowa requires a license to operate in the state. The license packets are available for \$15 by mail or \$10 at the door.

Employees of an agency are to obtain an employee ID card and must meet the same standards as the license holder.

Iowa does have mandatory CEUs of 12 hours accumulated during a 2 year period or the license will not be renewed. Credits gained from other states are transferrable. 50 minutes minimum equal 1 hour. 100 minutes equal 2 hours. 99 minutes equal 1 hour.

A program qualifies if:

- Outline is prepared in advance
- Lasts at least 50 minutes
- Is presented by a qualified instructor, background and experience documented.
- A record of attendance is maintained.

There is no examination process to obtain a license.

Most current count is 255 investigators and 120 security.

A 2 year license is issued at a cost of \$100 and an ID card cost is \$10. Fingerprinting and background check is \$30.

The ID card is issued with the name of an agency. So working for more than one agency, (which is permitted), would require more than one ID card. You have to carry the ID all the time you are working. Failure can result in suspension. The card belongs to the state. For what ever reason you are no longer in business, the card is to be surrendered.



Renewal of the license has to be applied for with 2 new fingerprint cards., 30 days before the expiration. If received after expiration of the license, apparently the state wants you to start over again.

Iowa offers reciprocity with other states that have similar requirements. A temporary permit is issued for a period of 90 days. But to note, the cost of the 90 day permit is the same as a 2 year license.

Iowa does require insurance in the name of the agency on the application.

Iowa does require a bond of \$5000 issues by a bond company licensed to work in Iowa. If more than one service, i.e.: Detective and Security, the bond is bumped up to \$10,000.

Uniforms, badges hats, and patches are not permitted without written approval from the commissioner.

Written reports have to be submitted to every client unless a signed waiver is possessed. Reports are to kept for at least 3 years.

Carrying a weapon while working must meet Iowa Admin code 661 chapter 4.

Application Packet Check List

Iowa Code 80A

Administrative Rules



Indiana Requirements Private Investigators and Security Agents

Indiana has a few things in common with states listed above and a couple things that are unique. The requirements are mostly historical:

- Requires at least 4,000 hours of experience. (2 years full time employ.)
- Background check back 7 years, state, local and fed.
- Errors and Omission liability insurance of \$100,000
- Academic transcripts for those who have a cert in criminal justice
- DD 214 from military service
- Corporate filing paper work for those who are not sole proprietors.

Application fee is \$300. \$150 if the expiration date is less than one year from application. Renewal is the same \$300. Late fee of \$50 and an additional \$10 for a wall or packet card.

Unless you spend the \$10 for the certificate, there is no personal carry license unless you make your own. The same rules apply as others, no seals or words that imply state agency affiliation.

Application

License expires every 4 years on October 1st. (Next is 2015.)

The license holder in an agency is licensed but the employees are not. It is the responsibility of the agency to regulate the activities of the employees.

There is 488 agencies licensed as investigators and 381 as security.

The state requires no test nor CEUs.

An out of state agency no longer needs to keep an office within the borders.

A licensee shall maintain a record, relative to the licensee's employees, containing the following information:

- A picture taken within thirty (30) days of the date that the employee commences employment with the licensee.
- A full set of fingerprints of both hands of the employee.
- A licensed private investigator firm shall, at the board's request, provide the board with a roster of all unlicensed individuals employed by the private investigator firm.

The link below will give you the long version if you want all the details.

Licensure Law and Regulations



Michigan Requirements

Michigan Regulations Private Investigators and Security Agents.

In Michigan the age of licensure is 25, must have a GED or better. As with all, no felonies but then carries it further than most by adding no misdemeanors involving dishonesty, fraud, (which is redundant), controlled substances, 2 or more alcohol related offenses, or carrying a firearm, impersonating a LEO or divulge information or evidence.

If currently law enforcement, must have written permission from their boss.

Must have 3 years experience to get a license.

There is no exam for the license nor CEUs required.

A new twist is 5 notarized Personal Reference Forms from individuals that can attest to you being a good and honest person.

The application fee is \$150 and an initial fee of \$600.

A bond is required for \$10,000 or

Insurance is required for, (a little more detailed):

- \$10,000 Property Damage
- \$100,000 Injury or death
- \$200,000 If more than one person involved

Fees are \$750 for everyone, no matter what business status. But the paperwork for the corporate and partnership is a little more work than the sole proprietor.

The license is valid for 3 years. Beyond the “hang on the wall” certificate, Michigan does issue a picture ID that must be carried by each licensed individual. The license is issued to the sole proprietor, partners or corporate members.

Other investigators on staff would not have an ID issued by the state but can have one from a vendor that meets the criteria of, no state seals or wording that sounds like state issue.

The recent count is 580 PIs and 277 Security Agents.

The Director of the State Department has to report the count of licenses accepted or denied by December 1st.

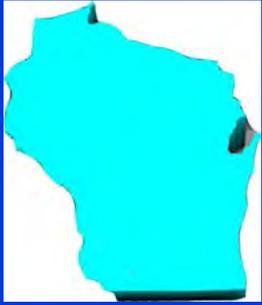
Application forms



Michigan Requirements

Michigan Requirements Professional Investigator Licensure Act

Section 338.821	Section Short title.
Section 338.822	Section Definitions.
Section 338.823	Section License required; investigation of prohibited activities; civil or criminal action; violation; penalty.
Section 338.824	Section Exemptions from act.
Section 338.825	Section License; issuance, duration.
Section 338.826	Section License; qualifications; reciprocal agreements.
Section 338.827	Section Application for license; notarized statement as to qualifications investigation of applicant.
Section 338.828	Section Application for license by corporation; contents; copy of incorporation certificate.
Section 338.829	Section License; conditions of issuance; fee; duration; suspension or revocation; bonds; filing completed application; issuance of license within certain time period; report; "completed application" defined.
Section 338.830	Section License; suspension or revocation; grounds; surrendering license and identification card; noncompliance as misdemeanor.
Section 338.831	Section License fee; refund; conditions.
Section 338.832	Section License; posting.
Section 338.833	Section Reporting name or location change in agency; new license.
Section 338.834	Section Identification card; issuance; form and contents; maintenance, custody, and control; duplicates.
Section 338.835	Section Non assignability of license.
Section 338.836	Section Display of unauthorized badge, shield, identification card, or license; violation; penalties.
Section 338.837	Section Licensees; employment of assistants; records; false state ments; fingerprints.
Section 338.838	Section Hiring of person convicted of certain felonies or misdemeanors prohibited; refusal to surrender license or identification card.
Section 338.839	Section Carrying deadly weapon; license required.
Section 338.840	Section Divulging of information; willful sale of or furnishing false infor mation; penalty; privileged communications; notice and hearing.
Section 338.841	Section Violation of act; report of conviction by prosecuting attorney.
Section 338.842	Section Advertising; contents; misleading advertising; notice.
Section 338.843	Section Trade names; approval by department.
Section 338.844	Section Record of business transaction and reports; retention.
Section 338.845	Section Investigation of applicants; complaints; subpoenas; fees; fail ure to obey; penalty; testimony under oath.
Section 338.846	Section License; renewal; fee; bond.
Section 338.847	Section Death of licensee; carrying on business; notice to department; sale of business.
Section 338.848	Section Employment of agents; rules.
Section 338.849	Section Application of act as to license applications and renewals.
Section 338.850	Section Repeals.
Section 338.851	Section Violation; penalty.



Wisconsin Requirements

Wisconsin Requirements Professional Investigators and Security Agents

Last but not least is our state. Most will have known enough to get you through the test in the first place. And some will have learned a little more along the way. Wisconsin does not have continuing education, so it is possible that picking up things along the way might take longer than desired.

Of course PAWLI has come to the rescue for those who want to know more than the minimum: Check out the info on the upcoming conference.

Most of the following, everyone who is reading this, knows because you have already done it. But there are those searching the information so I have to fill in the blanks.

Now, the part that takes all the information from the other states and compares that data to what Wisconsin requires.

As with the other states, if you are going to advertise and do the work of an investigator, you need a license. The exceptions are:

- If you work for one law firm only
- An off duty LEO with written permission from the boss.

Can't have "no stinking badges".

Unlike most of the others, "Don't need no experience."

Pass a fingerprint background and a written test.

The test is 100 questions covering Wis Statutes and administrative codes relevant to PIs. The Statutes are linked below and the codes link given came up with a "no page". Went to the page with all the professional codes and the PIs were not listed. So the best I can find are search results covering some interesting things.

No felonies without a pardon

Can have misdemeanor under departments discretion.

Unlike most that require an agency and then a few hours to get to work, Wisconsin requires you to get a license personally. Then work for a licensed agency.

The full 118 pages of statutes are in a PDF.

But what pertains is found at 440.26 Subchapter II

For those of you working on or helping others, I'll toss in the forms.

And the instructions for the packet.

Renewal Fee is \$115 both PIs and Security and \$107 for agencies.

Last is insurance, requiring general liability or, (get this) a \$2000 bond.

No exacting numbers are known for the licensee count, but it is some where around 750.

Epilog

It is no secret that I have continued the effort of presidential predecessors by lobbying for CEUs. If you have made it through this article you have read about how some states have higher requirements in some things and less in others. I, for one, and I know that all the investigators who show up for the conference agree, that Wisconsin Professional Investigators should want to be the best they can be in their profession, not just get by on the minimum or the average. And those who are just doing what they are required to do, really do harm the reputation of the rest of us. Please go to your "profile" on the PAWLI site and fill out the survey. It has a few more questions just for this occasion. A couple minutes to advance our profession.

James Greenwold
President PAWLI

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Ashley Horton Department Monitor Division of Legal Services and Compliance		2) Date When Request Submitted: December 20, 2013 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections:			
4) Meeting Date:	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Monitoring: Appointment of Monitoring Liaison and Delegated Authority Motion	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: 1. Appointment of 2014 Monitoring Liaison 2. Delegated Authority Motion: <i>“_____ moved, seconded by _____ to adopt/reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today’s agenda packet.”</i>			
11) Authorization <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;">  </div> <div style="width: 30%; text-align: center;"> December 20, 2013 </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Signature of person making this request</div> <div style="width: 20%; text-align: center;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Supervisor (if required)</div> <div style="width: 20%; text-align: center;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</div> <div style="width: 20%; text-align: center;">Date</div> </div>			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor

The Monitoring Liaison is a board designee who works with department monitors to enforce the Board's orders as explained below.

Current Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board:

1. Grant a temporary reduction in random drug screen frequency upon Respondent's request if he/she is unemployed and is otherwise compliant with Board order. The Department Monitor will draft an order and sign on behalf of the Liaison. The temporary reduction will be in effect until Respondent secures employment in the profession.
2. Grant a stay of suspension if Respondent is eligible per the Board order. The Department Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board order. The Department Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board approval. The Department Monitor will notify Respondent of the Liaison's decision.
5. Grant a maximum 90-day extension, if warranted and requested in writing by Respondent, to complete Board-ordered CE, pay proceeding costs, and/or pay forfeitures upon Respondent's request.

Current Authorities Delegated to the Department Monitor

The Department Monitor may take the following actions on behalf of the Board, draft an order and sign:

1. Grant full reinstatement of licensure if CE is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board-ordered CE and/or paid costs and forfeitures within the time specified by the Board order. The Department Monitor may remove the suspension and issue an order when proof completion and/or payment have been received.

Clarification

1. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. (This is consistent with current practice.)

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:		2) Date When Request Submitted:	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Podiatry Affiliated Credentialing Board			
4) Meeting Date: February 4, 2014	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: The Board asked for research regarding other states' disciplinary actions in instances of overbilling or overtreatment. Orders from other state medical Boards are attached.			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	

**BEFORE THE STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS**

THE STATE BOARD OF REGISTRATION)	
FOR THE HEALING ARTS)	
)
Petitioner,)	
)
v.)	Case No. 2006-003668
)
ROBERT C. EGAN, M.D.)	
)
Respondent.)	

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The Missouri State Board of Registration for the Healing Arts in accordance with law and pursuant to notice, took up this matter at its regularly scheduled meeting on October 21, 2011. The Board's litigation counsel, Nancy Skinner, presented evidence on behalf of the Board. Dr. Egan appeared and was represented by counsel, Alan Kimbrell. Sarah Schappe, General Counsel for the Board, acted as the Board's legal advisor in these proceedings, in the Board's deliberations, and in preparing this order.

Evidence was adduced, exhibits were received, and argument was heard. The Board took the matter under advisement to deliberate and determine an appropriate disposition. Being fully advised of the above, the Board now enters its findings of fact conclusions of law, and disciplinary order publicly reprimanding Dr. Egan's license.

FINDINGS OF FACT

1. The Administrative Hearing Commission is an agency of the State of Missouri created and established pursuant to §621.015, RSMo. for the purpose of conducting

hearings and making findings of fact and conclusions of law in cases in which disciplinary action may be taken against a licensee or certificate holder by certain agencies, including the Missouri State Board of Registration for the Healing Arts.

2. On August 26, 2011, the Administrative Hearing Commission issued its Decision in the case of State Board of Registration for the Healing Arts v. Robert C. Egan, MD. Case No. 10-0405HA. In its Decision, the Administrative Hearing Commission found that Dr. Egan's license to practice medicine was subject to disciplinary action by this Board for violation of §334.100.2(4), (4)(g), and (5) RSMo, because he operated on a patient without medical justification to do so, he failed to advise a patient or her family of a surgical error he made, and a hospital took final disciplinary action against him for incidents related to unprofessional conduct.

3. This Board has received the record of the proceedings before the Administrative Hearing Commission and the Decision. The Decision is incorporated herein by reference as if fully set forth in this document.

4. Each member of this Board who participated in this decision certified on the record that he or she had read the Administrative Hearing Commission's Decision. All the members of this Board who were present throughout the hearing participated in the Board's deliberations, vote and order.

5. Dr. Egan's operating on a patient without cause, failing to advise a patient of a surgical error and having his privileges revoked due to unprofessional behavior evidence deficiencies in his knowledge regarding ethics and record keeping.

CONCLUSIONS OF LAW

6. This Board has jurisdiction over this proceeding pursuant to §621.110 RSMo.
7. Respondent's license is subject to disciplinary action by this Board pursuant to §334.100.4 RSMo.

DISCIPLINARY ORDER

Having fully considered all evidence before this Board, and giving full weight to the Decision of the Administrative Hearing Commission, it is the ORDER of this Board that Dr. Robert Egan's license be PUBLICLY REPRIMANDED. It is further ordered that Dr. Egan must complete and provide proof of completion of a Board approved record keeping course and a Board approved ethics course within six months of the date of this order. A list of Board approved courses may be found on the Board's website at:

<http://pr.mo.gov/boards/healingarts/CMECourses.pdf>


Tina Steinman, Executive Director

EFFECTIVE THIS 1st DAY OF NOVEMBER, 2011.

discipline. Having been advised of these rights provided Licensee by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this Agreement and agrees to abide by the terms of this document as they pertain to Licensee.

2. Licensee acknowledges that he may, at the time this Agreement is effective or within fifteen days thereafter, submit this Agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for discipline of Licensee's license.

3. Licensee acknowledges that he has been informed of his right to consult legal counsel in this matter.

4. Licensee hereby waives and releases the Board, its members, and any of its employees, agents, and attorneys, including any former Board members, employees, agents, and attorneys, of or from any liability, claims, actions, causes of action, fees, costs, and expenses, and compensation, including, but not limited to, any claims for attorneys' fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case or this Agreement, or from the negotiation or execution of this Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this agreement in that it survives in perpetuity even in the event that any court of law deems this Agreement, or any portion thereof, void or unenforceable.

5. Licensee understands that the Board may take disciplinary action against Licensee based on facts or conduct not specifically mentioned in this document that are either now known to the Board or may be discovered.

6. Licensee understands and agrees that the Missouri State Board of Registration for the Healing Arts will maintain this Agreement as an open record of the Board as required by Chapters 334, 610, 620, and 621, RSMo, as amended.

I. JOINT PROPOSED FINDINGS OF FACT AND LAW

Based upon the foregoing, Board and Licensee herein jointly stipulate to the following:

JOINT PROPOSED FINDINGS OF FACT

1. The State Board of Registration for the Healing Arts ("Board") is an agency of the state of Missouri created and established pursuant to § 334.120, RSMo, for the purposes of executing and enforcing the provisions of Chapter 334, RSMo.
2. Respondent is licensed by the Board as a physician and surgeon, license number 31361. This license was first issued on June 24, 1967, and is now current and active and was so at all times relevant herein.
3. On or about January 15, 2003, the Department of Professional Regulation of the state of Illinois issued an Order which reprimanded Respondent's physician and surgeon license.
4. The disciplinary action was based upon an allegation of improper or unnecessary surgery.

JOINT PROPOSED CONCLUSIONS OF LAW

1. Cause exists for the Board to take disciplinary action against Respondent's license under § 334.100.2(8), RSMo, which states in pertinent part:
 2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter . . . for any one or any combination of the following causes:

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employer.

II. JOINT AGREED DISCIPLINARY ORDER

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the State Board of Registration for the Healing Arts in this matter under the authority of § 621.110, RSMo. This Agreement will be effective immediately on the date entered and finalized by the Board.

A. Effective the date the Board enters into the Agreement: The medical license, number 31361, issued to Licensee is hereby PUBLICLY REPRIMANDED.

B. Licensee hereby waives and releases the Board, its members and any of its employees, agents, and attorneys, including any former Board members, employees, agents, and attorneys, of or from any liability, claim, actions, causes of action, fees, costs, and expenses, and compensation including, but not limited to, any claims for attorneys' fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this agreement, or

from the negotiation or execution of this agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this agreement in that it survives in perpetuity even in the event that any court of law deems this agreement or any portion thereof void or unenforceable.

C. In consideration of the foregoing, the parties consent to the termination of any further proceedings based upon the facts set forth herein.

LICENSEE

BOARD

Ralph Kelley
Ralph Kelley

10/2/03
Date

Tina Steinman
Tina Steinman
Executive Director

10/8/03
Date

JEREMIAH W. (JAY) NIXON
Attorney General

Zora Mulligan 10/6/03
Zora Mulligan Date
Assistant Attorney General
Missouri Bar Number 54990
Broadway State Office Building
P.O. Box 899
Jefferson City, MO 65102
Telephone (573) 751-1444
Telefax (573) 751-5660
Attorneys for the Board

EFFECTIVE THIS 8 DAY OF October, 2003.

6-22
08

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,
PETITIONER,**

CASE NO. 2008-23740

**ALEJANDRO ESPAILLAT, M.D.,
RESPONDENT.**

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, the Florida Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Florida Board of Medicine against the Respondent, Alejandro Espallat, M.D. In support thereof Petitioner alleges as follows:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.
2. At all times material to this Complaint, the Respondent was a licensed physician within the state of Florida, having been issued license number ME 81887.
3. Respondent's address of record is 1321 N.W, 14th Street, Suite 203, Miami, Florida 33125.

4. At all times material to this Complaint, Respondent engaged in the practice of medicine, specializing in ophthalmology. The Respondent is not board certified.

5. On or about February 20, 2007, Patient S.K., a then sixty-nine year-old female, presented to the Respondent for cataract surgery.

6. Prior to the surgery the Respondent discussed with S.K. the type of lens to be implanted. He told her that a ReStor[®] premium multifocal intraocular lens would be the best choice for her condition and that the lens and procedure would cost two thousand dollars (\$2,000.00).

7. Patient S.K. negotiated with the Respondent and they settled on a price, including the procedure and implantation of the ReStor[®] premium lens, in the amount of one thousand six hundred dollars \$1,600.00. On February 14, 2007, S.K., and/or her husband, paid that amount to the Respondent and was given a hand-written receipt, bearing the pre-printed numbered "4501." A credit card transaction in that amount was processed and assigned reference number MCWNSP2190214.

8. The preoperative orders stated that a ReStor[®] lens was to be implanted in S.K.'s right eye, and that an endocyclophotocoagulation (ECP), a type of laser procedure, was to be performed.

9. Although a ReStor[®] premium multifocal intraocular lens was to be implanted, when the surgery was performed the premium lens was not implanted.

10. The Respondent failed to tell S.K. that the premium lens was not implanted, and it was not until she consulted with a subsequent treating physician that she learned a standard intraocular lens was implanted instead.

11. In addition, although an ECP was to be performed, and the patient signed a consent for that procedure, when the surgery was performed that procedure was not done.

12. There is no explanation in the contemporaneous medical records that would explain why the premium lens was not implanted. Although the Respondent later stated he did not implant the multifocal lens due to the need to perform a peripheral surgical iridectomy (PI), there is no such indication in the medical records.

13. There is no explanation in the contemporaneous medical records that indicate why an ECP was not performed. Although the Respondent later stated S.K. refused the ECP, there is no such indication in the medical records.

14. Subsequent to the procedure S.K. experienced complications which, while unfortunate, are known complications from the condition from which she suffered and the surgery she had.

15. A reasonably prudent similar health care provider, having been paid for a premium multifocal intraocular lens, would have actually implanted such premium lens rather than the lens actually implanted.

16. A reasonably prudent similar health care provider would have explained to the patient why he did not implant the premium multifocal lens intended and paid for.

17. Medical records that are complete and justify the course of the patient's treatment would indicate why a consent authorizing an ECP to be performed on Patient S.K. February 20, 2007, was signed by the patient but no such procedure was done.

18. Medical records that are complete and justify the course of the patient's treatment would accurately document the type of intraocular lens implanted in S.K.'s right eye.

COUNT I

19. Petitioner re-alleges and incorporates paragraphs one (1) through eighteen (18) as if fully restated herein.

20. Section 458.331(1)(t), Florida Statutes (2006), provides that committing medical malpractice constitutes grounds for disciplinary action by the Board of Medicine. Medical malpractice is defined in Section 456.50, Florida Statutes, as the failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure. For purposes of Section 458.331(1)(t), the Board shall give great weight to the provisions of Section 766.102, which provides that the prevailing professional standard of care for a given health care provider shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers.

21. Respondent committed medical malpractice in one or more of the following ways:

(a) by accepting payment from S.K. for implanting a premium multifocal intraocular lens but implanting a non-premium lens instead;

(b) by failing to tell S.K. that the premium multifocal lens was not implanted.

22. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes (2006), by committing medical malpractice.

COUNT II

23. Petitioner re-alleges and incorporates paragraphs one (1) through eighteen (18) as if fully restated herein.

24. Section 458.331(1)(m), Florida Statutes (2006), provides that failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations constitutes grounds for disciplinary action by the Board of Medicine.

25. Respondent failed to keep medical records that justify the course of treatment of K.M. in one or more of the following ways:

(a) by failing to indicate in the medical records why a permit authorizing an ECP to be performed on Patient S.K. February 20, 2007, was signed by the patient but no such procedure was done;

(b) by failing to accurately document the type of intraocular lens implanted in S.K.'s right eye.

26. Based on the foregoing, Respondent has violated Section 458.331(1)(m), Florida Statutes (2006), by failing to keep medical records that justify the course of treatment of the patient.

COUNT III

27. Petitioner realleges and incorporates paragraphs one (1) through eighteen (18) as if fully set forth herein.

28. Section 458.331(1)(k), Florida Statutes (2006), provides that making deceptive, untrue, or fraudulent representations in or related to the practice of medicine or employing a trick or scheme in the practice of medicine constitutes grounds for disciplinary action by the Board of Medicine.

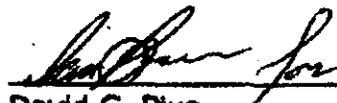
29. Respondent made deceptive, untrue, or fraudulent representations in or related to the practice of medicine or employed a trick or scheme in the practice of medicine by accepting payment for a premium multifocal intraocular lens but actually implanting a non-premium lens instead.

23. Based on the foregoing, Respondent violated Section 458.331(1)(q), Florida Statutes, by making deceptive, untrue, or fraudulent

WHEREFORE, Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of Respondent on probation, corrective action and/or any other relief that the Board deems appropriate.

SIGNED this 25th day of March, 2011.

Shairi R. Turner, M.D., M.P.H.
Acting State Surgeon General



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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: Malissa Muller
DATE: 3-28-2011

DGP/das

PCP Members: El-Bahri, J. Rosenberg & Mullens
PCP: March 25, 2011

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO.: 2006-01705

LEONARD ABRAHAM RUBINSTEIN, M.D.,

RESPONDENT.

2-11-08

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Medicine against the Respondent, Leonard Abraham Rubinstein, M.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed physician within the State of Florida, having been issued license number ME 37720.

3. Respondent's address of record is 4921 Heigl Avenue, Sarasota, Florida 34202.

4. At all times material to this Complaint, Respondent had no hospital staff privileges in the Sarasota, Florida area.

5. On or about January 11, 2005, Patient J.D., presented to Respondent's office seeking cosmetic surgery, including: abdominoplasty (tummy tuck), liposuction (removal of fat from deposits beneath the skin using a hollow stainless steel tube with the assistance of a powerful suction pump) and breast augmentation (surgical procedure to enhance the size and shape of a woman's breast). Medical records state rhinoplasty (surgical procedure to reshape the nose) was discussed with Patient J.D., along with allergy testing.

6. On or about January 12, 2005, Patient J.D. contacted Respondent's office and notified him that she wanted to proceed with the cosmetic procedures.

7. On or about January 14, 2005, Patient J.D. presented to Respondent for a pre-operative appointment.

8. On or about January 14, 2005, Respondent stated Patient J.D. needed allergy testing.

9. On or about January 14, 2005, Respondent provided Patient J.D. with a cost estimate for allergy testing totaling three thousand five hundred sixty-five dollars (\$3,565.00).

10. On or about January 14, 2005, Respondent also discussed his trade and barter business, The Trade Exchange, Inc., with Patient J.D., and suggested that she could trade a vacation trip (Patient J.D. and husband own a travel agency) for Respondent's employee, for additional surgery.

11. There is no medical record in Patient J.D.'s file, documenting the January 14, 2005 pre-operative appointment.

12. On or about January 14, 2005, Patient J.D. presented to Lab Corp for pre-operative testing, including: Complete Blood Count with Differential/Platelet (a routine test used to evaluate the blood and general health), Comprehensive Metabolic Panel (used as a broad screening tool to evaluate organ function and check for conditions such as diabetes, liver disease, and kidney disease), Urinalysis, and Prothrombin Time and Partial Thromboplastin Time (tests used to evaluate the extrinsic coagulation system).

13. On or about January 19, 2005, Patient J.D. presented to Respondent's office for the surgical procedures described above.

14. On or about January 19, 2005, Patient J.D. was taken to the operating room at approximately 9:15 a.m. and taken out of the operating room at approximately 11:55 p.m., a total of fourteen hours and forty minutes in the operating room. The surgery itself started at 11:45 a.m., and ended at 11:20 p.m., a total of eleven hours and thirty five minutes.

15. During the time in the operating room, Patient J.D. received bilateral breast augmentations and abdominoplasty. However, medical records neither specify the amount of tissue removed nor the tightening of the abdominal wall. Additionally, Patient J.D. received liposuction of the lateral abdomen, hips, waist, lateral thighs, medial knees, and knees with a total of one thousand seven hundred twenty-five milliliters (ml) (1,725 ml) of fluid removed. Respondent determined that one thousand ml (1,000 ml) of the removed fluid was total supernatant and fat and Patient J.D. had a blood loss of three hundred seventy-five ml (375 ml).

16. Patient J.D. was taken to the recovery room at approximately 11:55 p.m. and released at 1:00 a.m.

17. On or about January 20, 2005, before Respondent would release Patient J.D., Respondent required Patient J.D.'s husband to pay an additional four thousand nine hundred dollars (\$4,900.00) for what

Respondent reported was the "additional time" in the operating room and additional anesthesia.

COUNT ONE

18. Petitioner realleges and incorporates paragraphs one (1) through seventeen (17) as if fully set forth herein.

19. Section 458.331(1)(t), Florida Statutes (2004), sets forth grounds for disciplinary action by the Board of Medicine and provides failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances constitutes grounds for disciplinary action by the Board of Medicine.

20. Respondent failed to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances, in one or more of the following ways:

- a. Respondent spent an excessive amount of time in the operating room (eleven hours and thirty five minutes operating on Patient J.D.) performing multiple procedures in an office setting; and/or

b. Respondent failed to observe Patient J.D. for a sufficient amount of time after such a long period of sedation and operation. Respondent should have observed Patient J.D. for a prolonged period of time to assure complete recovery and restitution of fluid balance.

21. Based on the foregoing, Respondent has violated Section 458.331(1)(t), Florida Statutes, by failing to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

COUNT TWO

22. Petitioner realleges and incorporates paragraphs one (1) through seventeen (17) as if fully set forth herein.

23. Section 458.331(1)(m), Florida Statutes (2004), sets forth grounds for disciplinary action by the Board of Medicine for failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each

diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

24. Respondent failed to keep legible medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations, in one or more of the following ways:

- a. Respondent maintained incomplete medical records for Patient J.D. by not having a dictation of Patient J.D.'s pre-operative visit on or about January 14, 2005;
- b. Respondent used medical record forms that would be used by an otolaryngology (ear, nose, and throat) physician; and/or

c. Respondent's surgical notes neither specified the amount of tissue removed during the abdominoplasty nor the tightening of Patient J.D.'s abdominal wall.

25. Based on the foregoing, Respondent has violated Section 458.331(1)(m), Florida Statutes (2004), by failing to maintain complete medical records for Patient J.D., using medical record forms that would be used by and otolaryngology physician, and/or failing to specify the amount of tissue removed during the abdominoplasty and failing to document the tightening of Patient J.D.'s abdominal wall.

COUNT THREE

26. Petitioner realleges and incorporates paragraphs one (1) through seventeen (17) as if fully set forth herein.

27. Section 458.331(1)(n), Florida Statutes (2004), sets forth grounds for disciplinary action by the Board of Medicine for exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party, which shall include, but not be limited to, the promoting or selling of services, goods, appliances, or drugs.

28. Respondent exercised influence on Patient J.D. in such a manner as to exploit the patient for the financial gain of Respondent or of a third party, in one or more of the following ways:

- a. Respondent required Patient J.D. to pay an additional four thousand nine hundred dollars (\$4,900.00) prior to releasing her from the office after the surgical procedures; and/or
- b. Respondent suggested that Patient J.D. barter a vacation trip for Respondent's employee, in exchange for additional surgical procedures.

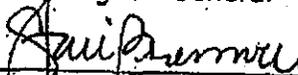
29. Based on the foregoing, Respondent violated Section 458.331(1)(n), Florida Statutes (2004), by exercising influence on Patient J.D. in such a manner as to exploit Patient J.D. for financial gain of the licensee or of a third party, which included, but is not limited to, the promoting or selling of services, goods, appliances, or drugs.

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of

fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

Signed this 8th day of February 2008.

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General



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FILED
DEPARTMENT OF HEALTH
Raeel B...
2.11.08

PCP: February 8, 2008
PCP Members: Ashkar, Lage, Beebe

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

2006-27634
PROFESSIONAL REGULATION
LEGAL

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO.: 2006-27634

LEONARD ABRAHAM RUBINSTEIN, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Medicine against the Respondent, Leonard Abraham Rubinstein, M.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed physician within the State of Florida, having been issued license number ME 37720.

3. Respondent's address of record is 1805 Siesta Drive, Sarasota, Florida 34239.

4. On or about July 17, 2006, Patient R.A., a then sixty-three (63) year old male, initially presented to Respondent with complaints of "face breaking out and itching."

5. Respondent diagnosed Patient R.A., with chronic allergic rhinitis (a specific or non-specific disease of the mucous membrane including the nasal sinus which last for an extended period of time) with a history of nasal polyps (small, sac-like growths which develop due to inflammation of the mucous membrane) and an observed moderate nasal septal deformity (nasal septum separates the left and right airways in the nose) and chronic sinusitis (long-term inflammation of the sinuses).

6. On or about July 18, 2006, Respondent referred Patient R.A. for a Computed Tomography scan (CT; use of x-ray equipment to obtain image data from different angles around the body and then uses computer processing of the information to show a cross-section of body tissues and organs) of the sinuses. The CT scan findings stated, "...mucoperiosteal thickening (mucoperiosteal tissue is the

tissue that lines the bone of the sinus and nasal cavities; thickening of the tissue is usually a sign of inflammatory sinus or nasal disease, such as chronic sinusitis or allergic rhinitis) exists in the left maxillary sinus (sinus cavity located under the left eye) in a relatively mild fashion with probable polyp formation of the anterior ethmoidal air cells (numerous thin-walled cavities located between the upper parts of the nasal cavities and the eye socket, and are separated from these cavities by thin bony laminae). Mucoperiosteal thickening is present in the frontal sinuses (located beneath the bone of the forehead and just in front of the bone overlying the brain) with a small air fluid level. The right sphenoid sinus (the most posterior sinus cavity) is completely opacified (CT film shows a "cloudy" sinus cavity). Nasal septum is not significantly deviated..."

7. On or about July 19, 2006, Respondent called Patient R.A. to discuss the CT scan results. Respondents medical records note the results of the CT scan were abnormal.

8. On or about July 24, 2006, Patient R.A.'s blood was tested to identify allergies. The allergy testing report stated, "this test is for

investigational use only. Its performance characteristics have not been cleared or approved by the U.S. Food and Drug Administration."

9. The allergy test found that Patient R.A. was not allergic to a variety of pollens, but, was allergic to all foods tested, except sunflower seeds.

10. On or about July 27, 2006, Patient R.A. presented to Respondent for a follow up appointment complaining of multiple allergies bothering him since last week symptoms on his skin, a stuffy nose, sore throat, body ache, and watery eyes.

11. On or about July 27, 2006, Respondent performed nasal endoscopy (a flexible fiber-optic tube or a metal telescope is threaded through the nasal passages to provide direct observation of the nasal passages, larynx, pharynx, and other surrounding structures and to help diagnose or delineate problems such as nasal polyps, nasal blockage, recurrent sinusitis, or laryngeal trauma) on Patient R.A. and noted a recurrence of small nasal polyps.

12. On or about July 27, 2006, Patient R.A. underwent a three hundred sixty (360) minute test for sleep apnea (when a

person stops breathing repeatedly during their sleep). The results reflected evidence of mild apnea.

13. On or about July 28, 2006, Respondent discussed the Rotation Elimination Diet with Patient R.A.

14. On or about August 1, 2006, Patient R.A. presented to Respondent for a follow up appointment with complaints of a stuffy nose and dry mouth.

15. On or about August 1, 2006, Respondent noted that a culture was positive for staph aureus (bacterium, frequently living on the skin or in the nose) and that Septra DS (antibiotic) was added along with Gentamicin nasal spray (antibiotic).

16. On or about August 4, 2006, Patient R.A. presented to Respondent with complaints of inability to breath through his nose at night.

17. On or about August 4, 2006, Respondent reviewed progress of Rotation Elimination Diet with Patient R.A.

18. On or about August 8, 2006, Patient R.A. presented to Respondent with complaints of stuffy nose and a headache.

19. On or about August 8, 2006, Respondent noted in medical records that Patient R.A. requested a prescription for snoring and apnea. Respondent prescribed Allegra D (antihistamine and decongestant) and Nasonex (nasal spray used to treat nasal congestion and other nasal allergy symptoms).

20. On or about August 11, 2006, Patient R.A. presented to Respondent for a preoperative history and physical.

21. On or about August 11, 2006, Respondent discussed electrocardiogram (EKG; electrical recording of the heart) results with Patient R.A. Respondent stated the EKG results were borderline abnormal and he would have another physician check the EKG results.

22. Respondent's surgical plan for Patient R.A. included: endoscopic sphenoidoscopy (a minimally invasive diagnostic medical procedure used to evaluate the interior surfaces of the sinuses located behind the nose by inserting a small tube into the body), septoplasty (attempt to straighten the septum and restore its position to the midline to open the nasal airway), radio frequency inferior turbinates (a specially-designed probe with a needle at the end is

placed into the nasal passages, and radiofrequency energy is delivered to heat the tissues in a controlled way. By heating the tissues, damage is created, and the healing process reduces the size of the inferior nasal passages), radio frequency soft palate (radiofrequency energy used in the soft palate – back of the roof of the mouth – to shrink and tighten the tissues), radio frequency base of tongue (radiofrequency energy usually delivered at two locations – the back of the tongue and underneath the tongue – to tighten and shrink the tissue), bilateral intranasal endoscopic ethmoidectomy (usually performed to remove obstructions from the sinuses that block natural drainage and create an increased risk of infection, as well as remove inflamed tissue and bone; procedure may also be recommended to remove polyps or to straighten the septum).

23. On or about August 11, 2006, Respondent scheduled Patient R.A. for the surgical procedures mentioned above to be performed on August 26, 2006.

24. On or about August 14, 2006, Patient R.A. presented to Dr. H.B.F., for an allergy consult.

25. On or about August 16, 2006, Patient R.A. presented to Dr. J.J.W. for another opinion. Dr. J.J.W. determined that nasal endoscopy revealed the septum to be in midline with no obstructive deviation; there were no nasal polyps; and the operative sinus sites looked well healed.

26. On or about August 24, 2006, Dr. H.B.F. performed a "scratch test" allergy test on Patient R.A. finding no significant allergies. Dr. H.B.F. also found no significant nasal obstruction and recommended a treatment plan consisting of Allegra and Nasonex.

27. Section 458.331(1)(t), Florida Statutes (2006), sets forth grounds for disciplinary action by the Board of Medicine for committing medical malpractice as defined in Section 456.50, Florida Statutes (2006). Section 456.50, Florida Statutes (2006), defines medical malpractice as the failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure.

28. Respondent failed to practice medicine with that level of skill, care and treatment which is recognized by a reasonably prudent health care physician in one or more of the following ways:

- a. By basing his conclusion that Patient R.A. suffered from multiple food allergies on a test that was "for investigational use only. Its performance characteristics have not been cleared or approved by the U.S. Food and Drug Administration;"
- b. By interpreting the CT scan and sleep apnea study in a manner which directly lead to surgery, when other types of interventions might be needed; and/or
- c. By planning to perform unnecessary and inappropriate surgical procedures on Patient R.A. without documentation to support such a decision.

29. Based on the foregoing, Respondent has violated section 258.331(1)(t), Florida Statutes (2006), by failing to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of

Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

Signed this 13th day of April 2007.

Ana M. Viamonte Ros, M.D., M.P.H.
Secretary, Department of Health

Staci Braswell

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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK. *Rosanne R. [Signature]*
DATE 4.17.07

SNB
PCP: April 13, 2007
PCP Members: Ashkar, Bearison, Beebe

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STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO.: 2005-53222

LEONARD ABRAHAM RUBINSTEIN, M.D.,

~~RESPONDENT.~~

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Medicine against the Respondent, Leonard Abraham Rubinstein, M.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed physician within the State of Florida, having been issued license number ME 37720.

3. Respondent's address of record is 1805 Siesta Drive, Sarasota, Florida 34239.

4. At all times material to this Complaint, Respondent kept Patient B.L.'s medical records on forms used by an otolaryngologist (ear, nose, and throat physician). Such forms had neither a place to record a full history nor a place to record a physical exam of the patient.

5. On or about March 22, 2005, Patient B.L. and C.L. (Patient B.L.'s mother), initially presented to Respondent with complaints of severe acne.

6. On or about March 22, 2005, Respondent diagnosed Patient B.L. with cystic acne. Respondent suggested that Patient B.L.'s acne was an allergic reaction. Respondent recommended deep cleansing, blue light treatment, allergy testing, a yeast free diet, and the Obagi Nu-Derm System (lotions and cleansers for the face).

7. On or about March 22, 2005, Patient B.L. was given 1000 mg of Erythromycin (medication used to treat or prevent a wide variety of bacterial infections) prior to undergoing a deep pore facial cleansing.

8. On or about March 22, 2005, Respondent drew blood from Patient B.L. and sent the sample to Lab Corp for testing. Patient B.L.'s mother, C.L., paid approximately \$169.00 for the laboratory testing directly to Respondent.

9. On or about March 22, 2005, Respondent prescribed Minocycline (antibiotic used to treat a wide variety of bacterial infections) and Nystatin (medication used to treat fungal skin infections) in addition to providing directions for a yeast free diet.

10. On or about March 28, 2005, Patient B.L. and C.L. presented to Respondent. Respondent documented Patient B.L.'s complexion appeared improved. Respondent also noted C.L. refused prescription for Accutane (medication used to treat severe cystic acne).

11. On or about March 28, 2005, Respondent recommended that Patient B.L. begin the Obagi Nu-Derm System and allergy testing be performed, beginning with foods. Respondent charged Patient B.L. \$1,200.00 for the Obagi Nu-Derm System.

12. On or about April 4, 2005, Respondent documented that Accutane was refused by C.L.

13. On or about April 4, 2005, Respondent gave Patient B.L. an Obagi Nu-Derm treatment and drew blood for the food allergy test. Respondent recommended Patient B.L. continue taking Minocycline and Nystatin.

14. On or about April 4, 2005, Respondent ordered RAST (radioallergosorbent) testing for ninety-one (91) antigens, including inhalants and food antigens. Respondent did not state justification for performing allergy testing in Patient B.L.'s medical records.

15. On or about April 4, 2005, Patient B.L.'s mother, C.L., paid Respondent approximately \$2,800.00 for the food allergy testing. Respondent sent blood sample of Patient B.L. to Commonwealth Medical Lab, Incorporated for allergen testing.

16. On or about April 12, 2005, Respondent documented he received the results from the allergy tests which were positive for certain foods. Additionally, laboratory testing concluded Patient B.L. tested negative for twenty-seven (27) of the thirty-five (35) inhalant allergens tested.

17. On or about April 12, 2005, Respondent documented Patient B.L. needed the Rotation Elimination Diet and charged Patient

B.L. \$100.00 for the diet, which was a printed off copy of a yeast free diet. Respondent suggested that Patient B.L.'s acne was related to an allergic reaction to yeast.

18. On or about April 12, 2005, Respondent documented that Patient B.L. had developed hives on her face, neck and upper body.

19. On or about April 12, 2005, Respondent administered a ~~six~~ (6) mg dose of Decadron (used to treat conditions such as arthritis, blood/hormone/immune system disorders, allergic reactions, certain skin and eye conditions, breathing problems, certain bowel disorders, and certain cancers) at a cost of \$100.00, for the hives and inferred that Patient B.L.'s hives were probably caused by a piece of cake eaten the night before.

20. On or about April 12, 2005, Respondent performed an incision and drainage of approximately 6 cysts on Patient B.L.'s forehead and right cheek at a cost of \$800.00 for the surgical procedure and \$100.00 for surgical supplies.

21. On or about April 12, 2005, Respondent gave Patient B.L. a prescription for Tetracycline 250 mg (used to treat a wide variety of

infections, including acne) and C.L. received Minocycline instead, a generic equivalent.

22. On or about April 14, 2005, Respondent documented that C.L. presented to obtain results of allergy tests. C.L. indicated that Patient B.L.'s hives were worse. Respondent suggested Patient B.L. present for assessment and Patient B.L. may need antihistamines and medrol dose packs (corticosteroid used to treat inflammation).

23. On or about April 15, 2005, Patient B.L. presented to Dr. Patursky, Patient B.L.'s pediatrician, with complaints of hives, itching, joint pain and swelling. Dr. Patursky referred Patient B.L. to Dr. Windom, an allergist, for examination for an allergic reaction to the medications Patient B.L. was taking.

24. On or about April 15, 2005, Patient B.L. presented to Dr. Windom with complaints of aching, swollen joints, and chest pain that had persisted for approximately four days.

25. On or about April 15, 2005, Dr. Windom examined Patient B.L. and found the MCP joints (metacarpophalangeal - the knuckle at the base of the finger) of Patient B.L.'s hands were swollen and had severe ache.

26. On or about April 15, 2005, Patient B.L. was diagnosed with angioedema (hives; swelling occurring beneath the skin instead of on the surface, characterized by deep swelling around the eyes and lips and sometimes of the genitals, hands, and feet), drug reaction, urticaria (hives; an outbreak of swollen, pale red bumps or patches on the skin that appear suddenly -- either as a result of the body's adverse reaction to certain allergens, or for unknown reasons), allergic rhinitis (overreaction of the immune system to particles in the air that a person breathes), and acne cystica.

27. On or about April 15, 2005, Dr. Windom recommended Patient B.L. cease use of medications, Minocycline and Nystatin, prescribed by Respondent. Dr. Windom recommended that Patient B.L. continue to take Benadryl (antihistamine) and start taking Zyrtec 10 mg (antihistamine which provides relief of seasonal and perennial allergy symptoms such as watery eyes, runny nose, itching eyes, and sneezing and is also used for hives).

COUNT ONE

28. Petitioner realleges and incorporates paragraphs one (1) through twenty-seven (27) as if fully set forth herein.

29. Section 458.331(1)(n), Florida Statutes (2004), provides that exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party, which shall include, but not be limited to, the promoting or selling of services, goods, appliances, or drugs, constitutes grounds for disciplinary action by the Board of Medicine:

~~30.~~ Respondent exercised influence on Patient B.L. in such a manner as to exploit the patient for the financial gain of Respondent or of a third party, in one or more of the following ways:

- a. By using his position as Patient B.L.'s treating physician to promote and sell Patient B.L. the Obagi Nu-Derm System;
- b. By ordering, and getting paid, without medical justification for allergy testing of Patient B.L.; and/or
- c. By ordering, and getting paid, without medical justification for a Rotation Elimination Diet.

31. Based on the foregoing, Respondent violated Section 458.331(1)(n), Florida Statutes (2004), by exercising influence on Patient B.L. in such a manner as to exploit Patient B.L. for financial gain of the licensee or of a third party, which included, but is not

limited to, the promoting or selling of services, goods, appliances, or drugs.

COUNT TWO

32. Petitioner realleges and incorporates paragraphs one (1) through twenty-seven (27) as if fully set forth herein.

33. Section 458.331(1)(t), Florida Statutes (2004), subjects a licensee to discipline, for gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

34. Respondent failed to practice medicine with that level of skill, care and treatment which is recognized by a reasonably prudent health care physician in one or more of the following ways:

- a. By improperly diagnosing Patient B.L.'s acne as an allergy;
- b. By holding himself out as an allergist and not practicing at the level of skill, care and treatment recognized by a reasonably prudent allergist;
- c. By failing to properly assess and/or diagnose the cause of Patient B.L.'s swelling, joint pain, and itching; and/or

d. By failing to recognize the symptoms of Patient B.L.'s allergic reaction to Minocycline and Nystatin.

35. Based on the foregoing, Respondent has violated section 258.331(1)(t), Florida Statutes (2004), by failing to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

COUNT THREE

36. Petitioner realleges and incorporates paragraphs one (1) through twenty-seven (27) as if fully set forth herein.

37. Section 458.331(1)(m), Florida Statutes (2004), sets forth grounds for disciplinary action by the Board of Medicine for failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records

of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

38. Respondent did not justify the ninety-one (91) RAST tests for Patient B.L. in the medical records.

39. Respondent used medical record forms that had no place to record medical history or a physical exam.

40. Based on the foregoing, Respondent has violated section 258.331(1)(m), Florida Statutes (2004).

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

Signed this 17th day of August 2007.

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

Staci Braswell

Staci Braswell
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar # 0028845
(850) 245-4640
(850) 245-4681 Fax

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: Racquel R. S.
DATE 8-20-07

PCP: August 17, 2007

PCP Members: Leon, Rosenberg, Beebe

9165

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Shawn Leatherwood		2) Date When Request Submitted: January 7, 2014 <small>Items will be considered late if submitted after 12:00 p.m. and less than: ■ 8 work days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Podiatry Affiliated Credentialing Board			
4) Meeting Date: February 4, 2014	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Public Hearing on CHR 13-110 relating to Podiatric x-ray assistants	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input checked="" type="checkbox"/> Yes by Public hearing at 10:00 AM <small>(name)</small> <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: The Board will conduct a public hearing and receive comments from the public regarding CHR 13-110.			
11) Shawn Leatherwood Signature of person making this request		Authorization	January 7, 2014 Date
Supervisor (if required)			Date
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)			Date
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
PODIATRY AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	PODIATRY AFFILIATED
PODIATRY AFFILIATED	:	CREDENTIALING BOARD
CREDENTIALING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Podiatry Affiliated Credentialing Board to amend Pod 1.02 (intro) and create Pod 1.02 (2m) 1.02 (6m) and 7.01 (title) relating to podiatric x-ray assistants.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 462.02 (2) (f), Stats.

Statutory authority:

ss. 227.11 (2) (a), 448.695 (3), 462.02 (2) (f), Stats.

Explanation of agency authority:

Pursuant to s. 227.11 (2) (a), the Podiatrist Affiliated Credentialing Board (Board) is generally empowered by the legislature to promulgate rules that will provide guidance within the profession and rules that interpret the statutes it enforces or administers. Section 448.695 (3), Stats., specifically empowers the Board to, "promulgate rules specifying the requirements for a course of instruction related to x-ray examinations by persons under the direct supervision of a podiatrist. . ." The proposed rule seeks to carry out this mandate by specifying the necessary course of instruction for podiatric x-ray assistants. Therefore, the Board is empowered both generally and specifically to promulgate the proposed rule.

Related statute or rule:

None.

Plain language analysis:

The proposed rule deals with the requirements for a course of instruction for x-ray examinations by persons under the direct supervision of a podiatrist. Generally, a person who practices radiography is required to be credentialed by the Radiography Examining Board. However, under s. 462.02 (2) (f), Stats., if a person is under the direct supervision of a podiatrist and has successfully completed a course of instruction approved by the Podiatrists Affiliated Credentialing Board they are not required to have a permit to conduct radiography. Pursuant to s. 448.695 (3), the Board is authorized to promulgate rules that identify the specific courses a person who is under the direct supervision of a podiatrist must complete in order to be qualified to conduct podiatric x-ray examinations. The statute also requires the Podiatry Examining Board to consult with the Radiography Examining Board in drafting the proposed course of instruction.

Summary of, and comparison with, existing or proposed federal regulation:

The Consumer-Patient Radiation Health & Safety Act of 1981, 42 USCS 10001, et seq. establishes federal guidelines for standards of accreditation of educational programs for certain occupations that administer radiologic procedures. The standards are in place to protect the public from excessive exposure to radiation by health care professionals who most often use radiation in the treatment of disease or other medical conditions. The regulations are directed towards radiographers, dental hygienists, dental assistants, nuclear medicine technologists, and radiation therapy technologists.

42 USCS § 10003 (5) broadly defines, "persons who administer radiologic procedures" as any person, other than a practitioner, who intentionally administers radiation to other persons for medical purposes and includes medical radiologic technologists (including dental hygienists and assistants), radiation therapy technologists and nuclear medicine technologists." 42 CFR 75.2 defines radiation therapy technologist as, "a person other than a licensed practitioner who utilizes ionizing radiation-generating equipment for therapeutic purposes on human subjects." Although non-licensed personnel who assist podiatrists, the topic of these proposed rules, are not specifically addressed, they could be captured under the broad definition of radiation therapy technologists. The federal statute and regulations are comparable to the proposed rule in that they both set forth course instructions for persons who administer radiologic procedures such as podiatric x-ray assistants.

Comparison with rules in adjacent states:

Illinois: Technicians under the general supervision of a podiatric physician are exempt from being certified. Ill Admin. Code tit. 32 §401.30 (5).

Iowa: Iowa grants permits to podiatric X-ray equipment operators defined as one who "performs radiography of only the foot and ankle using dedicated podiatric equipment". IAC 641-42.2 (136C).

Michigan: Michigan does not regulate podiatric x-ray assistants.

Minnesota: Minnesota regulates limited x-ray operators. They may only practice medical radiography on limited regions of the body as long as he or she has successfully passed the American Registry of Radiologic Technologists (ARRT) exam, or the American Chiropractic Registry of Radiologic Technologists (ACRRT) exam. Minn. Stats. 144.121 subd. 5a.

Summary of factual data and analytical methodologies:

The Board ensures the accuracy, integrity, objectivity and consistency of the data used in preparing the proposed rule and related analysis.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Shawn Leatherwood, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4438; email at Shancethea.L Leatherwood@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Shawn Leatherwood Department of Safety and Professional Services, Division of Policy and Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to Shancethea.L Leatherwood@wisconsin.gov. Comments must be received on or before February 4, 2014 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Pod 1.02 (intro) is amended to read:

Pod 1.02 Definitions. As used in chs. Pod 1 to 6 7:

SECTION 2. Pod 1.02 (2m) is created to read:

Pod 1.02 (2m) "Direct supervision" means a podiatric physician has assumed responsibility for directing, supervising, and inspecting the work of the person being supervised and the supervising podiatric physician is physically present on the same premises as the person being supervised, with face-to-face contact as necessary.

SECTION 3. Pod 1.02 (6m) is created to read:

Pod 1.02 (6m) "Podiatric x-ray assistant" means a person who is under the direct supervision of a licensed podiatric physician to perform only those radiographic functions that are within the scope of practice of a podiatric physician licensed under s. 448.61, Stats., and the podiatric physician is competent to perform.

SECTION 4. Pod 7.01 (title) is created to read:

CHAPTER POD 7 (title)
PODIATRIC X-RAY ASSISTANT

Pod 7.01 Podiatric x-ray assistant under direct supervision of a podiatrists. A podiatric physician may not delegate x-ray tasks to an unlicensed person unless the delegate has successfully completed a course of instruction for podiatric x-ray assistants approved by the board. Patients must be informed that the podiatric x-ray assistant is practicing under the supervision of the podiatric physician. A course of instruction for podiatric x-ray assistants is approved by the board if all of the following are true:

- (1) The instructor is a physician or radiographer whose license to practice in Wisconsin is current and unlimited.
- (2) The program consists of at least 8 hours of instruction and a written examination. The written examination will test a podiatric x-ray assistant's knowledge and understanding of the required course of instruction.
- (3) The course of instruction addresses; and attendees demonstrate knowledge and understanding of all of the following topics:

- (a) terminology
- (b) science of radiation in x-rays

(c) radiation exposure and monitoring including dose limits for exposure to ionizing radiation.

(d) health risks of radiation exposure

(e) safety techniques to minimize radiation exposure to staff and patients as low as reasonably achievable (ALARA)

(f) anatomy and function of foot and leg

(e) positioning for podiatric x-rays

(g) equipment operation technique and quality control, including analog and digital

(h) infection control

(i) legal and ethical issues

(4) A podiatric physician who uses the services of a podiatric x-ray assistant shall keep at each practice site, a copy of documentation that the podiatric x-ray assistant satisfactorily completed a course of instruction that meets the requirements set out above.

SECTION 5: EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson
Podiatry Affiliated Credentialing Board

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Shawn Leatherwood		2) Date When Request Submitted: January 7, 2014 <small>Items will be considered late if submitted after 12:00 p.m. and less than: ■ 8 work days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Podiatry Affiliated Credentialing Board			
4) Meeting Date: February 4, 2014	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Clearinghouse Report 13-110 relating to Podiatric x-ray assistants	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: <p>The Board will review and discuss the Clearinghouse report and accept or reject the recommendations made in the report.</p>			
11) Shawn Leatherwood <hr/> <small>Signature of person making this request</small>	Authorization <hr/> <small>Date</small>		January 7, 2014 <hr/> <small>Date</small>
<hr/> <small>Supervisor (if required)</small>			
<hr/> <small>Bureau Director signature (indicates approval to add post agenda deadline item to agenda)</small>			
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WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Groz and Jessica Karls-Ruplinger
Clearinghouse Co-Directors

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 13-110

AN ORDER to amend Pod 1.02 (intro.); and to create Pod 1.02 (2m) and (6m) and 7.01 (title), relating to podiatric x-ray assistants.

Submitted by **DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

12-13-2013 RECEIVED BY LEGISLATIVE COUNCIL.

01-02-2014 REPORT SENT TO AGENCY.

JKR:JEO

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]
Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz and Jessica Karls-Ruplinger
Clearinghouse Co-Directors

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 13-110

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated November 2011.]

2. Form, Style and Placement in Administrative Code

a. In the introductory clause, “1.02 (6m)” should be replaced with “and (6m)”, and a comma should be added before “relating”. [s. 1.02 (1), Manual.]

b. In SECTION 4, the treatment clause should read: “Chapter Pod 7 is created to read:”. That SECTION is creating a new chapter, not only creating a title. The introductory clause should also be modified to reflect this change. In addition, the word “(title)” should be removed from the title of ch. Pod 7.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. Pod 1.02 (6m), “that” should be added before “the podiatric physician is competent to perform”. In addition, “to perform” on the second line could be replaced with “and who performs” to make the definition of “podiatric x-ray assistant” clearer.

b. In s. Pod 7.01 (title), the word “podiatrists” should be changed to singular.

c. In s. Pod 7.01 (2), “will” should be replaced with “shall”. [s. 1.01 (2), Manual.]

d. In s. Pod 7.01 (3) (intro.), the semicolon should be changed to a comma, and a comma should be added after “of”.

e. In s. Pod 7.01 (3) (e), the word “reduce” would be clearer than “minimize” since “as low as reasonably achievable (ALARA)” appears to be a term of art.

f. In s. Pod 7.01 (3) (a) to (i), the first letter in each subunit should be capitalized, and a period should be added at the end of each subunit. [s. 1.03 (3) and (4), Manual.]

g. In s. Pod 7.01 (4), the comma should be deleted.

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

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3) Name of Board, Committee, Council, Sections: Podiatry Affiliated Credentialing Board			
4) Meeting Date: February 4, 2014	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative Report on CHR 13-110 relating to Podiatric x-ray assistants	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: <p>The Board will review the draft of the Legislative report regarding CHR 13-110 relating to Podiatric X-ray assistants and authorize the chair to approve the final draft of the legislative report and the final draft of the proposed rules for submission to the Governor's office and the legislature.</p>			
11) Signature of person making this request Shawn Leatherwood		Authorization January 7, 2014	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

**STATE OF WISCONSIN
PODIATRY AFFILIATED CREDENTIALING BOARD**

IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : **REPORT TO THE LEGISLATURE**
PODIATRY AFFILIATED : **CR 13-110**
CREDENTIALING BOARD :
:

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 are attached.

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

This proposed rule advances the statutory goal of s. 448.695, Stats., by promulgating rules that specify the requirements for a course of study related to X-ray examinations by persons under the direct supervision of a podiatrist. Generally, persons who practice radiography are required to be credentialed by the Radiography Examining Board pursuant to s. 462.02, Stats. However, an exception exists for unlicensed persons who practice under the direct supervision of a podiatrist pursuant to s. 462.02 (2) (f), Stats. While developing the proposed rule the Podiatry Affiliated Credentialing Board examined regulations in other states and consulted with the Radiography Examining Board as required by s. 448.695 (3), Stats. This proposed rule sets forth the fundamental course of instruction an unlicensed podiatric assistant will need in order to carry out his or her duties.

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

The Podiatry Affiliated Credentialing Board held a public hearing on February 4, 2014. The following people either testified at the hearing, or submitted written comments:

The Podiatry Affiliated Credentialing Board summarizes the comments received either by hearing testimony or by written submission as follows:

The Podiatry Affiliated Credentialing Board explains modifications to its rule-making proposal prompted by public comments as follows:

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

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

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

N/A

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**State of Wisconsin
Department of Safety & Professional Services**

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3) Name of Board, Committee, Council, Sections: Podiatry Affiliated Credentialing Board			
4) Meeting Date: February 4, 2014	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Scope Statement Review for 165-POD 4.01 Biennial Registration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: The Board will (1) review and consider the scope statement, (2) decide whether the proposed rule is likely to have any economic impact on small businesses, and (3) approve the scope statement on POD 4.01 relating to biennial registration for submission to the Governor's Office and publication and to authorize the Chair to approve the scope for implementation no less than 10 days after publication.			
11) Shawn Leatherwood Signature of person making this request	Authorization _____ Date		January 4, 2014 Date
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda) _____ Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATEMENT OF SCOPE

PODIATRY AFFILIATED CREDENTIALING BOARD

Rule No.: 165-Pod 4.01

Relating to: Biennial Registration

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of this proposed rule is to amend the biennial registration date in Wis. Admin. Code s. Pod 4.01 and Pod 4.03 (2).

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The purpose of this proposed rule is to amend an inconsistency regarding the biennial registration date for podiatrists. Currently, Wis. Admin. Code s. Pod 4.01 and s. 4.03 (2) state the biennial registration date is November 1 of each odd-numbered year. Wis. Stats. § 440.08 (2) (a) 60., states that the renewal date is November 1 of each even-numbered year. The statute is controlling. Therefore, Wis. Admin. Code s. Pod 4.01 and 4.03 (2) must be amended to reflect the correct date. There are no new policies proposed by the rule.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 227.11 (2) (a), Stats., discusses the parameters of an agency's rule-making authority stating an agency, "may promulgate rules interpreting the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of any statute, but a rule is not valid if it exceeds the bounds of correct interpretation." Section 227.01 (1), Stats., defines agency as a board. The Podiatry Affiliated Credentialing Board falls within that definition. Therefore, the Board may promulgate administrative rules which interpret the statutes it enforces or administers as long as the proposed rule does not exceed proper interpretation of the statute.

Section 448.05 (2) Stats., states that, "[t]he renewal date for a license granted under this subchapter, . . . is specified under s. 440.08 (2) (a), . . ." The renewal date specified under s. 440.08 (2) (a) 60. is November 1 of each even-numbered year. The proposed rule would change the current language to mirror the statutory requirement.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

State employees will spend approximately 50 hours developing the proposed rule.

6. List with description of all entities that may be affected by the proposed rule:

Individuals that will be affected by the proposed rule include licensed podiatrists and applicants for podiatry licensure.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

No comparable proposed or current federal regulations dealing with this issue exist.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

This rule is not likely to have any economic impact on small businesses.

Contact Person: Shawn Leatherwood 608-261-4438

Department Head or Authorized Signature

Date Submitted

227.10 ADMINISTRATIVE PROCEDURE

Updated 11-12 Wis. Stats. 4

tute specific adoption of a rule and is not required to be promulgated as a rule.

(2) No agency may promulgate a rule which conflicts with state law.

(2m) No agency may implement or enforce any standard, requirement, or threshold, including as a term or condition of any license issued by the agency, unless that standard, requirement, or threshold is explicitly required or explicitly permitted by statute or by a rule that has been promulgated in accordance with this subchapter. The governor, by executive order, may prescribe guidelines to ensure that rules are promulgated in compliance with this subchapter.

(3) (a) No rule, either by its terms or in its application, may discriminate for or against any person by reason of sex, race, creed, color, sexual orientation, national origin or ancestry.

(b) A rule may discriminate for or against a person by reason of physical condition or developmental disability as defined in s. 51.01 (5) only if it is strictly necessary to a function of the agency and is supported by data demonstrating that necessity.

(c) Each person affected by a rule is entitled to the same benefits and is subject to the same obligations as any other person under the same or similar circumstances.

(d) No rule may use any term removed from the statutes by chapter 83, laws of 1977.

(e) Nothing in this subsection prohibits the administrator of the division of merit recruitment and selection in the office of state employment relations from promulgating rules relating to expanded certification under s. 230.25 (1n).

History: 1985 a. 182; 1987 a. 399; 2003 a. 33 ss. 2368, 9160; 2011 a. 21.

An agency's revised interpretation of a statute constituted administrative rule-making under s. 227.01 (4) [now s. 227.10] and declaratory relief under s. 227.40 was accordingly proper. What constitutes a rule is discussed. *Schoolway Transportation Co. v. Division of Motor Vehicles*, 72 Wis. 2d 223, 240 N.W.2d 403 (1976).

The legislature may constitutionally prescribe a criminal penalty for the violation of an administrative rule. *State v. Courtney*, 74 Wis. 2d 705, 247 N.W.2d 714 (1976).

A memorandum announcing general policies and specific criteria governing all decisions on good time for mandatory release parole violations was a "rule" and should have been promulgated properly. *State ex rel. Clifton v. Young*, 133 Wis. 2d 193, 394 N.W.2d 769 (Ct. App. 1986).

An administrative agency cannot regulate the activities of another agency or promulgate rules to bind another agency without express statutory authority. *George v. Schwarz*, 2001 WI App 72, 242 Wis. 2d 450, 626 N.W.2d 57, 00-2711.

227.11 Extent to which chapter confers rule-making authority. (1) Except as expressly provided, this chapter does not confer rule-making authority upon or augment the rule-making authority of any agency.

(2) Rule-making authority is expressly conferred as follows:

(a) Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation. All of the following apply to the promulgation of a rule interpreting the provisions of a statute enforced or administered by an agency:

1. A statutory or nonstatutory provision containing a statement or declaration of legislative intent, purpose, findings, or policy does not confer rule-making authority on the agency or augment the agency's rule-making authority beyond the rule-making authority that is explicitly conferred on the agency by the legislature.

2. A statutory provision describing the agency's general powers or duties does not confer rule-making authority on the agency or augment the agency's rule-making authority beyond the rule-making authority that is explicitly conferred on the agency by the legislature.

3. A statutory provision containing a specific standard, requirement, or threshold does not confer on the agency the authority to promulgate, enforce, or administer a rule that contains a standard, requirement, or threshold that is more restrictive than the standard, requirement, or threshold contained in the statutory provision.

(b) Each agency may prescribe forms and procedures in connection with any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute, but this paragraph does not authorize the imposition of a substantive requirement in connection with a form or procedure.

(c) Each agency authorized to exercise discretion in deciding individual cases may formalize the general policies evolving from its decisions by promulgating the policies as rules which the agency shall follow until they are amended or repealed. A rule promulgated in accordance with this paragraph is valid only to the extent that the agency has discretion to base an individual decision on the policy expressed in the rule.

(d) An agency may promulgate rules implementing or interpreting a statute that it will enforce or administer after publication of the statute but prior to the statute's effective date. A rule promulgated under this paragraph may not take effect prior to the effective date of the statute that it implements or interprets.

(e) An agency may not inform a member of the public in writing that a rule is or will be in effect unless the rule has been filed under s. 227.20 or unless the member of the public requests that information.

History: 1985 a. 182; 1991 a. 209; 2011 a. 21.

The Designer Section of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors does not have rulemaking authority. 74 Atty. Gen. 200.

227.113 Incorporation of local, comprehensive planning goals. Each agency, where applicable and consistent with the laws that it administers, is encouraged to design the rules promulgated by the agency to reflect a balance between the mission of the agency and the goals specified in s. 1.13 (2).

History: 1999 a. 9.

227.114 Rule making; considerations for small business. (1) In this section, "small business" means a business entity, including its affiliates, which is independently owned and operated and not dominant in its field, and which employs 25 or fewer full-time employees or which has gross annual sales of less than \$5,000,000.

(2) When an agency proposes or revises a rule that may have an effect on small businesses, the agency shall consider each of the following methods for reducing the impact of the rule on small businesses:

(a) The establishment of less stringent compliance or reporting requirements for small businesses.

(b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

(c) The consolidation or simplification of compliance or reporting requirements for small businesses.

(d) The establishment of performance standards for small businesses to replace design or operational standards required in the rule.

(e) The exemption of small businesses from any or all requirements of the rule.

(3) The agency shall incorporate into the proposed rule any of the methods specified under sub. (2) which it finds to be feasible, unless doing so would be contrary to the statutory objectives which are the basis for the proposed rule.

(4) In addition to the requirements under s. 227.17, the agency shall provide an opportunity for small businesses to participate in the rule-making process, using one or more of the following methods:

(a) The inclusion in the notice under s. 227.17 of a statement that the rule may have an impact on small businesses.

(b) The direct notification of any small business that may be affected by the rule.

(c) The conduct of public hearings concerning the impact of the rule on small businesses.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Shawn Leatherwood		2) Date When Request Submitted: January 15, 2014 <small>Items will be considered late if submitted after 4:30 p.m. and less than:</small> <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 08 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Podiatry Affiliated Credentialing Board			
4) Meeting Date: February 4, 2014	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 165-Pod 3.01, 3.04 Continuing education audits for podiatrists Preliminary Draft rule	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ <small>(name)</small> <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: The Board will review the timeline for promulgation, review the preliminary draft, and decide whether the continuing education audit is mandatory every two years.			
11) Shawn Leatherwood		Authorization January 15, 2014	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
PODIATRY AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	PODIATRY AFFILIATED
PODIATRY AFFILIATED	:	CREDENTIALING BOARD
CREDENTIALING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Podiatry Affiliated Credentialing Board to amend Pod 3.01 and 3.04 relating to continuing education audits of podiatrist.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 448.665, Stats.

Statutory authority:

s. 227.11 (2) (a), Stats. and s. 448.665, Stats.

Explanation of agency authority:

Pursuant to s. 227.11 (2) (a), the Podiatrist Affiliated Credentialing Board (Board) is generally empowered by the legislature to promulgate rules that will provide guidance within the profession and rules that interpret the statutes it enforces or administers. Section 448.665, Stats., empowers the Board to, "promulgate rules establishing requirements and procedures for licensees to complete continuing education programs or courses of study in order to qualify for renewal of a license granted under this subchapter." The proposed rule seeks to carry out this mandate by promulgating rules setting forth the time period for continuing education audits and by specifying the time period for maintaining documentary evidence of continuing education compliance.

Related statute or rule:

None.

Plain language analysis:

This proposed rule is focused on specifying the time period for conducting audits of licensee's compliance with the continuing education requirement in Wis. Admin. Code ch. Pod 3 and specifying the time period licensees must keep track of evidence of compliance. Currently, the rules require, "any podiatrist to submit evidence to the board of his or her compliance with continuing education requirements during the preceding biennium." Wis. Admin. Code s. Pod 3.04. The rule does not state when audits are to take place or how long a licensee must maintain evidence of compliance with the continuing education requirement. This proposed rule identifies when continuing education must be reported, when audits of continuing education will take place, and how long evidence of compliance with the required continuing education must be maintained.

SECTION 1. identifies when compliance with the continuing education requirement must be reported.

SECTION 2. identifies when audits are to take place and the amount of time in which certificates of completion of continuing education must be kept.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois: Illinois does not set a specific time frame for conducting audits or maintaining certificates of compliance with continuing education. It is the responsibility of each licensee to maintain evidence of compliance with continuing education requirements and provide evidence of such upon request pursuant to a random audit. ILL. ADMIN. CODE tit. 68 §. 1360.70 d) 2).

Iowa: Even though Iowa defines the term "audit" in 645 IAC 225., the code is silent with regards to a specific time period for auditing continuing education compliance and maintaining evidence of compliance.

Michigan: The Department of Licensing and Regulatory Affairs, Bureau of Health Care Services conducts an audit at the conclusion of each renewal period to verify compliance with continuing education requirements. In accordance with Mich. Admin. Code r. 338.3711 (2) licensees are responsible for maintaining evidence of compliance.

Minnesota: Licensees must provide the board with proof of attendance in a continuing education program within the renewal period. The evidence must be in the form of a certificate, descriptive receipt, or affidavit. MINN. Rules 6900.0300 Subp. 4. The rules are silent with regards to conducting audits.

Summary of factual data and analytical methodologies:

The Board reviewed its rules and determined that a set time was required for auditing licensees' compliance with continuing education requirements. No other factual data or analytical methodologies were used. The Board ensures the accuracy, integrity, objectivity and consistency of data were used in preparing the proposed rule and related analysis.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

These proposed rules do not have an economic impact on small businesses as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4438; email at Shancethea.L Leatherwood@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708, or by email to Shancethea.L Leatherwood@wisconsin.gov. Comments must be received on or before October 7, 2014 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Pod 3.01 is amended to read:

Pod 3.01 Continuing podiatric medical education required; waiver. (1) Each podiatrist required to complete the biennial training requirement under s. 448.665, Stats., shall, in the each second year at the time of making application for a certificate of

registration as required under s. 448.665, Stats., sign a statement on the application for registration certifying that the podiatrist has completed at least 50 hours of acceptable continuing educational programs relevant to the practice of podiatric medicine within the 2 calendar years immediately preceding the calendar year for which application for registration is made- each 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a), Stats.

SECTION 2. Pod 3.04 is amended to read:

Pod 3.04 The board shall conduct a random audit of all licensees on a biennial basis for compliance with continuing education requirements. The board may require any podiatrist to submit evidence to the board of his or her compliance with continuing education requirements during the preceding biennium for the purpose of conducting an audit. Licensees shall retain certificates of continuing education attendance for a minimum period of 4 years.

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson
Podiatry Affiliated Credentialing Board

POD 3.01 and 3.04 CE Audit

Action	Target Date
Get Department/Board approval of scope statement	
Get Governor approval of scope statement and transmit to LRB	November 15, 2013
Scope statement printed in <i>Wisconsin Administrative Register</i>	December 15, 2013
Scope statement implemented	January 6, 2014
First meeting with Board	February 4, 2014
Second meeting with Board	June 17, 2014
<hr/>	
Finalize draft rule and Notice of Economic Impact Analysis (EIA)	July 12, 2014
Get Department/Board approval of draft rules, and post the EIA Notice	July 28, 2014
End of comment period for draft EIA	August 11, 2014
Finalize EIA	August 18, 2014
Transmit Hearing draft and EIA to Clearinghouse, LRB and DOA	August 20, 2014
Discuss Clearinghouse comments and response with Board	October 7, 2014
Hearing date	October 7, 2014
Finalize rule materials for legislative review	November 13, 2014
Get /Board approval for legislative review	November 20, 2014
Get GORC approval for legislative review	December 4, 2014
Transmit for legislative review	January 20, 2015
Assignment of rules	February 3, 2015
Senate and Assembly review ends (includes no hearing)	March 5, 2015
Rules sent to Joint Committee for Review of Administrative Rules	March 9, 2015
JCRAR review ends (no extension included)	April 8, 2015
Adoption and filing of rules	April 20, 2015
Rules in effect (includes 1.5 months for printing)	June 1, 2015

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Shawn Leatherwood		2) Date When Request Submitted: January 27, 2014 <small>Items will be considered late if submitted after 12:00 p.m. and less than: ▪ 8 work days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Podiatry Affiliated Credentialing Board			
4) Meeting Date: February 4, 2014	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Adoption of Rulemaking Order CR 12-047	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: The Board will adopt the rulemaking order.			
11) Signature of person making this request Shawn Leatherwood		Authorization January 27, 2014	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
PODIATRY AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : PODIATRISTS AFFILIATED
PODIATRISTS AFFILIATED : CREDENTIALING BOARD
CREDENTIALING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 12- 047)

ORDER

An order of the Podiatrists Affiliated Credentialing Board to amend Pod 1.08 (5); and to create Pod 3.02 (4) and 3.03 (3), relating to temporary educational license and continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 448.63 (3), Stats.

Statutory authority:

ss. 15.085 (5) (b), 440.035 (1), 448.63 (3), 448.665, Stats.

Explanation of agency authority:

The Podiatrists Affiliated Credentialing Board is charged with promulgating rules that govern its profession via ss. 15.085 (5) (b), and 440.035 (1), Stats., under the oversight of the Medical Examining Board. Pursuant to s. 448.63 (3), Stats., the Podiatrists Affiliated Credentialing Board has authority to write rules concerning various classes of temporary licensure. Section 448.665, Stats., grants rule writing authority for establishing requirements for continuing education. Therefore, the Podiatrists Affiliated Credentialing Board is generally and specifically vested with the authority to promulgate these rules.

Related statute or rule:

chs. Pod 1 and Pod 3

Plain language analysis:

The proposed rule will address two issues: license holders having to reapply for a temporary license half way through their post graduate training and the requirements for

licensees seeking first time renewal. By changing the duration of the temporary license from 1 year to 2 years, the proposed rule eliminates the need for temporary licensees to reapply for licensure while they are completing their post graduate training. As to the second issue, the proposed rule allows first time renewal applicants to use proof of graduation from a school of podiatric medicine to comply with the 50 requisite continuing education hours currently required by rule. This alleviates the burden on new licensees whose first time renewal occurs towards the end of a renewal period.

SECTION 1. amends the provision governing the duration of temporary licensure changing the requirement from 1 year to 2 years.

SECTION 2. creates a provision for accepting proof that the podiatrist graduated from a school of podiatric medicine.

SECTION 3. creates a provision accepting a certified copy of an official transcript or a certified copy of a diploma from a school of podiatric medicine and surgery.

Summary of, and comparison with, existing or proposed federal regulation:

None

Comparison with rules in adjacent states:

Illinois:

A temporary license is valid for one year. 68 Ill. Adm. Code 1360.65(b) (2012) A renewal applicant is not required to comply with continuing education requirements for his/her first renewal. 68 Ill. Adm. Code 1360.70(a)(3) (2012)

Iowa:

A temporary license is valid for one year. 645 IAC 220.6(149)(1) (2012) First time licensees are not required to complete continuing education requirements for their first renewal period. 645 IAC 222.2(149,272C)(2) (2012)

Michigan:

There is no language stating the duration for a temporary license. MICH. ADMIN. CODE R 338.8109 (2012) The Administrative code is silent with regards to the continuing education requirements for a first renewal. MICH. ADMIN. CODE R 338.3703 (2012)

Minnesota:

A temporary permit is valid for 12 months, starting on the first day of graduate training. Minn. R. 6900.0160 Subp. 2. (2011) The continuing education requirement for a first

renewal is not entirely waived, but rather the hours are prorated according to how long the applicant has had his/her license. Minn. R. 6900.0300 Subp.1a. (2011)

Summary of factual data and analytical methodologies:

The Podiatrists Affiliated Credentialing Board reviewed the pertinent rules and determined that s. Pod 1.08 (5) should be revised to address the issue of podiatric temporary license holders reapplying for a temporary license half way through their required 2-year post graduate training. The issue is resolved by these proposed rules by changing the duration of temporary licensure from 1 year to 2 years. There was also a need to resolve the issue of licensees who are first time renewals seeking to fulfill their 50 hours of continuing education. These proposed rules will allow applicants, in the first year of their renewal period, to satisfy the continuing education requirement with approved verified documentary evidence of graduation from a school of podiatric medicine and surgery such as a verified copy of the diploma conferring the degree of doctor of podiatric medicine. The Board ensures the accuracy, integrity, objectivity and consistency of the data used in preparing the proposed rule and related analysis.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:

This rule has no impact on small business.

Anticipated costs incurred by private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Fiscal Estimate and EIA:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jeffrey.Weigand@wisconsin.gov, or by calling (608) 267-9794.

Agency contact person:

Shawn Leatherwood, Department of Safety and Professional Services, 1400 East Washington Avenue, Room 116, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-266-0495; email at Shancethea.leatherwood@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Shawn Leatherwood, Department of Safety and Professional Services, 1400 East Washington Avenue, Room 116, P.O. Box 8935, Madison, Wisconsin 53708-8935, or by email to Shancethea.leatherwood@wiscosin.gov. Comments must be received on or before July 30, 2013 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Pod 1.08 (5) is amended to read:

Pod 1.08 (5) Temporary educational licenses granted under this chapter shall expire ~~one-year~~ 2 years from date of issuance.

SECTION 2. Pod 3.02 (4) is created to read:

Pod 3.02 (4) The board shall accept as satisfaction of the biennial training requirement under of s. 448.665, Stats., evidence that the podiatrist graduated from a school of podiatric medicine and surgery approved by the board pursuant to s. Pod 1.03 (2), as long as both of the following are in effect:

(a) The podiatrist is, for the first time, renewing a license to practice podiatric medicine and surgery in Wisconsin.

(b) The podiatrist graduated within 2 calendar years immediately preceding the calendar year for which the application for registration was made.

SECTION 3. Pod 3.03 (3) is created to read:

Pod 3.03 (3) A certified copy of an official transcript or a diploma from an approved school of podiatric medicine and surgery from which the podiatrist graduated is satisfactory evidence of compliance with s. Pod 3.02 (4), provided that the requirements of s. 3.02 (4) (a) and (b) have been met.

SECTION 4. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Member

Podiatry Affiliated Credentialing Board

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Shawn Leatherwood		2) Date When Request Submitted: September 17, 2013 Items will be considered late if submitted after 4:30 p.m. and less than: ▪ 10 work days before the meeting for Medical Board ▪ 08 work days before the meeting for all others	
3) Name of Board, Committee, Council, Sections: Podiatry Affiliated Credentialing Board			
4) Meeting Date: October 24, 2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Pod 1.01 X-ray by unlicensed personnel	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Board will discuss the rule and approve the revisions of s. Pod 1 relating to x-ray examinations by persons under the direct supervisions of a podiatrist for submission to the Clearinghouse.			
11) Shawn Leatherwood	Authorization		September 17, 2013
Signature of person making this request			Date
Supervisor (if required)			Date
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)			Date
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
PODIATRY AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	PODIATRIST AFFILIATED
PODIATRY AFFILIATED	:	CREDENTIALING BOARD
CREDENTIALING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Podiatry Affiliated Credentialing Board to create Pod 1.02 (2m), Pod 1.02 (6m) and Pod 7 (title) relating to podiatric x-ray assistants.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 462.02 (1) (f), Stats.

Statutory authority:

ss. 227.11 (2) (a), 448.695 (3), Stats.

Explanation of agency authority:

Pursuant to s. 227.11 (2) (a), the Podiatrist Affiliated Credentialing Board (Board) is generally empowered by the legislature to promulgate rules that will provide guidance within the profession and rules that interpret the statutes it enforces or administers. Section 448.695 (3), Stats., specifically empowers the Board to, "promulgate rules specifying the requirements for a course of instruction related to x-ray examinations by persons under the direct supervision of a podiatrist. . ." The proposed rule seeks to carry out that mandate by specifying the necessary course of instruction for persons under the direct supervision of a podiatrist. Therefore, the Board is empowered both generally and specifically to promulgate the proposed rule.

Related statute or rule:

Wis. Admin. Code s. Pod 1

Plain language analysis:

The proposed rule deals with the requirements for a course of instruction related to x-ray examinations by persons under the direct supervision of a podiatrist. Generally, a person who practices radiography is required to be credentialed by the Radiography Examining Board. However, under s. 462.02 (2) (f), Stats., if a person is under the direct supervision of a podiatrist and has successfully completed a course of instruction approved by the Podiatrists Affiliated Credentialing Board they are not required to have a permit to conduct radiography. Pursuant to s. 448.695 (3), the Board is authorized to promulgate rules that identify the specific courses a person who is under the direct supervision of a podiatrist must complete in order to be qualified to conduct podiatric x-ray examinations. The statute also requires the Podiatry Examining Board to consult with the Radiography Examining Board in drafting the proposed course of instruction .

Summary of, and comparison with, existing or proposed federal regulation:

The Consumer-Patient Radiation Health & Safety Act of 1981, 42 USC 1001, et seq. establishes federal guidelines for standards of accreditation of educational programs for certain occupations that administer radiologic procedures. The standards are in place to protect the public from excessive exposure to radiation by health care professionals who most often use radiation in the treatment of disease or other medical conditions. The regulations are directed towards radiographers, dental hygienists, dental assistants, nuclear medicine technologists, and radiation therapy technologists.

42 USC § 10003 (5) broadly defines, "persons who administer radiologic procedures" means any person, other than a practitioner, who intentionally administers radiation to other persons for medical purposes and includes medical radiologic technologists (including dental hygienists and assistants), radiation therapy technologists and nuclear medicine technologists." 42 CFR 75.2 defines radiation therapy technologist as, "a person other than a licensed practitioner who utilizes ionizing radiation-generating equipment for therapeutic purposes on human subjects." Although non-licensed personnel who assist podiatrists, the topic of these proposed rules, are not specifically addressed, they could be captured under the broad definition of radiation therapy technologists. The federal statute and regulation are comparable to the proposed rule in that they both set forth the education and credentialing standards for the aforementioned professions.

Comparison with rules in adjacent states:

Illinois: Illinois regulates radiologist assistants and limited diagnostic radiographers who pass the American Registry of Radiologic Technologists (ARRT). Radiologist assistants must also pass the Certification Board for Radiology Practitioner Assistants (CBRPA) exam. Ill Admin. Code tit. 32 §401.70

Iowa: Iowa defines a podiatric X-ray equipment operator as one who “performs radiography of only the foot and ankle using dedicated podiatric equipment”. IAC 641-42.2 (136C). Podiatric X-ray equipment operators must obtain “8.0 hours of classroom instruction to include radiation safety, equipment operation, patient care and anatomy.”

Michigan: Michigan does not regulate podiatric x-ray assistants.

Minnesota: Minnesota regulates limited x-ray operators. They may only practice medical radiography on limited regions of the body as long as he or she has successfully passed the American Registry of Radiologic Technologists (ARRT) exam, or the American Chiropractic Registry of Radiologic Technologists (ACRRT) exam. Minn. Stats. 144.121 subd. 5a.

Summary of factual data and analytical methodologies:

The Board ensures the accuracy, integrity, objectivity and consistency of the data used in preparing the proposed rule and related analysis.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Greg.Gasper@wisconsin.gov, or by calling (608) 266-8608

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Greg.Gasper@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Shawn Leatherwood, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4438; email at Shancethea.L Leatherwood@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Shawn Leatherwood Department of Safety and Professional Services, Division of Policy and Development, 1400 East Washington

Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to Shancethea.L Leatherwood@wisconsin.gov. Comments must be received on or before _____ to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Pod 1.02 (2m) is created to read:

Pod 1.02 (2m) "Direct supervision" means a physician has assumed responsibility for directing, supervising, and inspecting the work of the person being supervised and the supervising physician is physically present on the same premises as the person being supervised, with face-to-face contact as necessary.

SECTION 2. Pod 1.02 (6m) is created to read:

Pod 1.02 (6m) "Podiatric x-ray assistant" means a person who is under the direct supervision of a licensed podiatric physician to perform only those radiographic functions that are within the scope of practice of a podiatric physician licensed under s. 448.61, Stats., and the podiatric physician is competent to perform.

SECTION 3. Pod 7 (title) is created to read:

CHAPTER POD 7
PODIATRIC X-RAY ASSISTANT

Pod 7.01 Podiatric x-ray assistant under direct supervision of a podiatrists. A podiatric physician may not delegate x-ray tasks to an unlicensed person unless the delegate has successfully completed a course of instruction for podiatric x-ray assistants approved by the board. Patients must be informed that the podiatric x-ray assistant is practicing under the supervision of the podiatric physician. A course of instruction for podiatric x-ray assistants is approved by the board if all of the following are true:

- (1) The instructor is a physician or radiographer whose license to practice in Wisconsin is current and unlimited.
- (2) The program consists of at least 8 hours of instruction.
- (3) The course of instruction addresses; and attendees demonstrate knowledge and understanding of all of the following topics:
 - (a) terminology
 - (b) science of radiation in x-rays

(c) radiation exposure and monitoring including dose limits for exposure to ionizing radiation.

(d) health risks of radiation exposure

(e) safety techniques to minimize radiation exposure to staff and patients as low as reasonably achievable (ALARA)

(f) anatomy and function of foot and leg

(e) positioning for podiatric x-rays

(g) equipment operation technique and quality control, including analog and digital

(h) infection control

(i) legal and ethical issues

(4) A podiatric physician who uses the services of a podiatric x-ray assistant shall keep at each practice site, a copy of documentation that the podiatric x-ray assistant satisfactorily completed a course of instruction that meets the requirements set out above.

SECTION 4. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson

Podiatry Affiliated Credentialing Board