



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2423/1
JPC:emw&amn

2023 SENATE BILL 160

April 3, 2023 - Introduced by Senators STAFSHOLT, MARKLEIN, STROEBEL and FELZKOWSKI, cosponsored by Representatives GUSTAFSON, SORTWELL, BINSFELD, BODDEN, BROOKS, DITTRICH, GREEN, MAGNAFICI and SCHMIDT. Referred to Committee on Licensing, Constitution and Federalism.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to amend* 448.964 (1); and *to create* 440.88 (3) (d), 441.16 (3m), 448.05
2 (6) (av), 448.964 (3), 450.04 (4) and 457.125 of the statutes; **relating to:**
3 prohibiting statutes and rules examinations for certain professions.

Analysis by the Legislative Reference Bureau

This bill prohibits the Department of Safety and Professional Services, the Board of Nursing, the Medical Examining Board, the Occupational Therapists Affiliated Credentialing Board, the Pharmacy Examining Board, and the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board from requiring an applicant to pass a statutes and rules examination as a condition of licensure or certification for all of the following professions:

1. Substance abuse counselors, clinical substance abuse counselors, and substance abuse counselors-in-training.
2. Advanced practice nurse prescribers.
3. Respiratory care practitioners.
4. Occupational therapists and occupational therapy assistants.
5. Pharmacists.
6. Professional counselors.

The bill allows DSPS and the examining and credentialing boards to require an applicant for a credential to practice any of the professions listed above to affirm that the applicant has read and understands the statutes and rules that apply to the applicant's practice.

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

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

1 **SECTION 1.** 440.88 (3) (d) of the statutes is created to read:

2 440.88 (3) (d) 1. The department may not require an applicant for certification
3 as a substance abuse counselor, clinical substance abuse counselor, or substance
4 abuse counselor-in-training to pass a statutes and rules examination as a condition
5 of receiving an initial certification or a certification renewal.

6 2. The department may require an applicant for certification as a substance
7 abuse counselor, clinical substance abuse counselor, or substance abuse
8 counselor-in-training to affirm that the applicant has read and understands the
9 statutes and rules that apply to the applicant's practice.

10 **SECTION 2.** 441.16 (3m) of the statutes is created to read:

11 441.16 (3m) (a) The board may not require an applicant for certification under
12 this section to pass a statutes and rules examination as a condition of receiving an
13 initial certification or a certification renewal.

14 (b) The board may require an applicant for certification under this section to
15 affirm that the applicant has read and understands the statutes and rules that apply
16 to the applicant's practice.

17 **SECTION 3.** 448.05 (6) (av) of the statutes is created to read:

18 448.05 (6) (av) 1. The board may not require an applicant for certification as
19 a respiratory care practitioner under s. 448.04 (1) (i) to pass a statutes and rules
20 examination as a condition of receiving an initial certification or a certification
21 renewal.

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1 2. The board may require an applicant described under subd. 1. to affirm that
2 the applicant has read and understands the statutes and rules that apply to the
3 applicant's practice.

4 **SECTION 4.** 448.964 (1) of the statutes is amended to read:

5 448.964 (1) The Except as provided in sub. (3), the affiliated credentialing
6 board shall conduct or arrange for examinations required for occupational therapist
7 and occupational therapy assistant licensure under s. 448.963 (2) (c) and (3) (c) at
8 times and places determined by the affiliated credentialing board.

9 **SECTION 5.** 448.964 (3) of the statutes is created to read:

10 448.964 (3) (a) The affiliated credentialing board may not require an applicant
11 for a license under s. 448.963 (2) or (3) to pass a statutes and rules examination as
12 a condition of receiving an initial license or a license renewal.

13 (b) The affiliated credentialing board may require an applicant for a license
14 under s. 448.963 (2) or (3) to affirm that the applicant has read and understands the
15 statutes and rules that apply to the applicant's practice.

16 **SECTION 6.** 450.04 (4) of the statutes is created to read:

17 450.04 (4) (a) The board may not require an applicant to pass a statutes and
18 rules examination as a condition of licensure as a pharmacist.

19 (b) The board may require an applicant to affirm that the applicant has read
20 and understands the statutes and rules that apply to the applicant's practice.

21 **SECTION 7.** 457.125 of the statutes is created to read:

22 **457.125 Professional counselor statutes and rules examination. (1)**
23 The examining board may not require an applicant for a license to practice as a
24 professional counselor to pass a statutes and rules examination as a condition of
25 receiving an initial license or a license renewal.

