

Subject: Reciprocal Credentials (AB-135, SB-135)

Date: April 14, 2023

Background:

The attached bill has been introduced in the Senate and the Assembly. The bill text and status is also available at <https://docs.legis.wisconsin.gov/2023/proposals/sb135> and <https://docs.legis.wisconsin.gov/2023/proposals/ab135>.

Additional Reference:

For reference, the current text of s. 89.073, Wis. Stats., is copied is copied below (also available on page 5 of the pdf at <https://docs.legis.wisconsin.gov/statutes/statutes/89.pdf>).

89.073 Reciprocal credentials for service members, former service members, and their spouses. (1) In this section:

(a) "Former service member" means a person who was discharged from the U.S. armed forces under conditions other than dishonorable within 4 years of the date on which the service member or the spouse of the service member applies for a license, certification, or permit under this section.

(b) "Service member" means a member of the U.S. armed forces, a reserve unit of the U.S. armed forces, or the national guard of any state.

(c) "Spouse" includes the spouse of a person who died while in service in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces.

(2) The examining board shall grant a license, certification, or permit specified under s. 89.06 to an individual who the examining board determines meets all of the following requirements:

(a) The individual applies for a credential under this section on a form prescribed by the examining board.

(b) The individual is a service member, a former service member, or the spouse of a service member or former service member and resides in this state.

(c) The individual holds a credential that was granted by a governmental authority in a jurisdiction outside this state that qualifies the individual to perform the acts authorized under the appropriate credential specified under s. 89.06.

(d) The individual pays the fee established under s. 89.063.

(f) The individual is in good standing with the governmental authorities in every jurisdiction outside this state that have granted the individual a credential that qualifies the individual to perform acts authorized under the appropriate credential specified under s. 89.06.

(2m) If an individual is unable to provide documentation that the individual is a service member, former service member, or the spouse of a service member or former service member, the individual may submit an affidavit to the examining board stating that the individual is a service member, former service member, or the spouse of a service member or former service member.

(3) (a) A credential granted under this section expires on the renewal date specified in s. 89.062 (1), except that if the first renewal date specified in s. 89.062 (1) after the date on which the credential is granted is within 180 days of the date on which the credential is granted, the credential expires on the 2nd renewal date specified in s. 89.062 (1) after the date on which the credential is granted.

(b) The examining board shall grant a renewed license, certification, or permit specified under s. 89.06 to an applicant who pays the renewal fee specified under s. 89.063 and satisfies the renewal requirements under s. 89.062.

(4) The examining board shall expedite the issuance of a license, certification, or permit granted under this section.

(5) The examining board may promulgate rules necessary to implement this section.

History: 2015 a. 179; 2019 a. 143.

Chapter VE 1 regarding veterinarians is available at https://docs.legis.wisconsin.gov/code/admin_code/ve/1.pdf. Chapter VE 2 regarding certified veterinary technicians (CVTs) is available at https://docs.legis.wisconsin.gov/code/admin_code/ve/2.pdf.

The current process for veterinarian applicants who are credentialed in another state and applying for a veterinary license in Wisconsin is called "endorsement" and is under ss. VE 1.14

and VE 1.18. The process for CVTs is the same whether they have been previously credentialed or not and is under s. VE 2.04.

The VEB may determine that an applicant is not eligible for a credential if any of the criteria under ss. VE 1.20 or VE 2.04 (1) (f) apply. For example, the VEB can deny a license if the applicant has been disciplined in the past in another state under s. 89.072 (1), Wis. Stats., and s. VE 1.20 (2).

Sections VE 1.22 and VE 2.06 refer to s. 89.073, Wis. Stats., and specify fees for service members, former service members, and their spouses, which are lower than the standard fees.

Plain Language Explanation:

This bill would make the current process of reciprocal credentials for service members, former services members, and their spouses apply to anyone. Under this bill, the VEB would have to issue a credential to anyone who meets the requirements of the new law, which are:

- Applying for a license
- Residing in the State
- Having a credential from an outside jurisdiction
- Paying the fee
- Being in good standing in every jurisdiction where they have a credential

This bill would effectively replace the current processes for applicants from other jurisdictions under ss. 89.072 and 89.06 (3), Wis. Stats., and ss. VE 1.14, VE 1.18, and VE 2.04. This bill could decrease the VEB's oversight of applicants from jurisdictions that may have lesser requirements for education, examinations, and background. Section 89.073, Wis. Stats., refers to "jurisdictions" and not "states", so the bill could require the VEB to credential to applicants from other countries who may have significantly different requirements for licensure. The VEB could also lose the ability to deny a license for many reasons listed under ss. VE 1.20 or VE 2.04(1)(f) or place conditions on a certification under s. VE 2.04(3).

This bill could eliminate the VEB's ability to review outstanding cases of applicants who are under investigation for potential discipline in other states. Whether a person holding a credential is "in good standing" in another jurisdiction would likely depend on the other jurisdiction's determination. But generally, the definition of "good standing", when it comes to a professional license, generally means the license is current, in compliance with all legal requirements and orders of a licensing authority, and not subject to any limitations. For example, if a licensee had prior discipline but the case was resolved and is now licensed without restrictions or discipline, that license could be considered under good standing. If a case is currently open for investigation in another jurisdiction, but that jurisdiction has not yet taken disciplinary action on the license, the license could be considered in good standing until disciplinary actions are taken. An applicant involved in pending litigation or in an unresolved malpractice lawsuit could still be considered in good standing.