

Proposal to De-license Occupations Gains Steam in Senate

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Two bills moving through the Senate would create a non-elected council to review professional licenses and propose legislation that would de-license professions in Wisconsin. Many professionals around the state have voiced opposition.

MADISON - Imagine you are with your loved one who is in the hospital. Night comes. You prepare to leave, gently kissing your loved one “good night”.

As you walk down the corridor and into the hospital parking lot, you might wonder how your loved one will feel in the morning. Will things be better, worse or stay the same?

One thing you don't worry about is the quality of care provided to your loved one because the nurses working the night shift are licensed by the state.

Nurses and other professionals follow “standards of care” that are spelled out in their education and clinical training. They follow licensing and board requirements set in state law. Patients are

protected from incompetent nurses by a board that oversees the practice of nursing. This is true for dozens of other professionals in Wisconsin.

Recently, a Senate committee on which I serve passed two bills that set up a process to potentially de-license professionals. Senate Bill 288 establishes a partisan appointed council that reviews licensing, registration or other state approval for ALL occupation and professional licensing in Wisconsin. Senate Bill 296 creates a process for self-certification that allows a person to claim “state certification” even though they may have no training or experience in their chosen occupation.



Electricians, nurses, certified public accountants, plumbers, physical therapists, doctors, and other professionals will have their licensing and continuing education requirements reviewed by a non-elected, partisan council. The Council would have the power to write and introduce a bill making changes to the laws governing occupational licensing. These powers are generally reserved for lawmakers.

The process set up by these bills is eerily similar to a process laid out in an August 2017 publication of the ideologically conservative Mercatus Center:

Policymakers...would be wise to follow these steps:

1. *Pass legislation that sets an ambitious goal for the elimination of licenses and the reduction of licensing burdens.*
2. *Establish an independent commission charged with examining the state's licensing laws. ...the commission should be charged with evaluating all licenses.*
3. *The commission should be charged with setting a comprehensive path for licensure*

elimination and reform. The authorizing legislation should commit elected officials to accepting the commission's recommendations in their entirety or not at all.

...the institutional structure that we recommend borrows elements from other reforms that have succeeded in eliminating favoritism. In particular, it allows elected officials to cast conspicuous votes in the public interest while giving them some degree of "cover" from the special interests that will inevitably be harmed by the elimination of their regulatory privilege.

Let's break down that last sentence.

The elected officials cast "votes in the public interest" – your elected representative is voting to de-license your plumber. "Giving them some degree of 'cover'" – your elected official is now able to say, "I didn't really want to de-license your plumber, but it was part of a larger bill and I couldn't change the bill."

"Special interests that will inevitably be harmed"—those "special interests" would be the plumbers' union or the nurses' association.

The public likely did not hear about the de-licensure plan because the daylong hearing by both the Senate and Assembly committees happened at exactly the same time as the public hearing on Foxconn. The Foxconn hearing dominated headlines, not the concerns of over 100 Wisconsinites who traveled to Madison to testify or register against the de-licensure bills. Those speaking in favor of the bills were, almost exclusively, conservative ideological groups.

When I asked what problem the bills were trying to solve, proponents said they wanted to eliminate "fence me out" legislation that left people unable to get into a desired profession. When I asked them to provide me a list of professions with licenses that create a "fence me out" problem, they did not give me a single example.

Over the years, the Legislature created licensure requirements in conjunction with professionals. If we have unnecessary licensing, committees of the Legislature should review details of a professional license and determine if change is necessary.

Setting up a process to de-license professionals by unelected appointees is an attempt by conservative ideological groups to remake Wisconsin in their own image. In fact, a republican colleague commented that these ideological groups have become a shadow legislature.

These bills need to be stopped.

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