

COMPLAINTS

The Division receives over 3,000 complaints each year against credential holders. Each complaint is tracked in and assigned a number (example: 24 NUR 0004). This is the number that the staff will use to identify this complaint.

After the complaint is tracked in and assigned a number, several different things could happen. If there is sufficient information, it may go directly to screening. If more information is required, the Complainant (the person who filed the complaint) or the Respondent (the person who the complaint is filed against) may be asked to provide additional information. Third parties who have knowledge of the complaint may also be asked to provide information. Once all of the necessary information has been gathered, the complaint is reviewed by a screening panel and/or a department attorney.

SCREENING

Screening is a careful review of each complaint to determine if further action is warranted. Screening panels are made up of members of the regulatory authority for the profession and/or a department attorney. Professions which are not governed by a board are screened by a department attorney. Under Wis. Adm. Code § SPS 2.035 considerations in screening include, but are not limited to:

- Whether the person identified in the complaint is licensed.
- Whether the matter alleged is a violation of any statute, rule or standard of practice.
- Whether the violation alleged is a fee dispute.
- Whether the matter alleged, if taken as a whole, is trivial.

It is important to remember that the screening panel is making a determination as to whether or not there is a possible violation(s) of the rules, regulations and statutes regulating that profession.

The only action that the Department is able to take is against the credential of the person or entity. The Department is not a collection agency and is not able to recover funds for people who are unhappy with the service that a credential holder has provided or the manner in which it was provided.

SCREENING OUTCOME

After a thorough review of the complaint, the screening panel will make a decision. Possible actions by the screening panel include:

- Sending a response request letter to request more information.
- Opening a case for investigation and possible further action up to and including discipline.
- Closing the case because DSPS has no jurisdiction.
- Closing the case because there is no violation of a statute, rule or regulation.
- Closing the case based upon a screening decision.

Some reasons that a screening panel might make a screening decision to close a case are:

- It is a private civil matter.
- It is a fee dispute.

- The allegations (even if true) would be virtually impossible to prove.
- The allegations (even if true) are not of a sufficiently serious nature to warrant the time and resources necessary to pursue the matter.
- The conduct complained of, while not the very best, may not rise to the level of “unprofessional conduct” as defined in the profession’s rules, statutes, and regulations.
- This was an isolated incident and compliance has been gained.

ABOUT US

Wisconsin Statutes Chapter 440 governs the Department of Safety and Professional Services. The Department serves over 428,000 credential holders and issues 327 types of credentials (licenses & certificates) in various occupations and professions. There are 73 Boards (including Examining and Affiliated Credentialing Boards), Sections, Committees, and Councils attached to the Department.

The Division of Legal Services & Compliance is responsible for reviewing complaints filed against persons or entities licensed by the Boards and the Department itself. About 50% of the complaints that the Department receives are not opened for further action.

Both the Complainant and the Respondent are notified of the screening panel’s decision. Screening panel decisions not to open a case for further action are seldom reconsidered and generally only rescreened if new relevant information is presented. There is no appeal process for complaints closed by a screening panel.

Many times, complaints that are not opened for further action still have the desired result for the Complainant. Respondents learn from the complaint process without formal disciplinary action being pursued against their credential. In some cases, when a complaint is not opened for further action, the Respondent is sent a “letter of education” reminding them of certain statutes, rules and regulations that apply to their credential.