

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE RULE 95-068

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

1. Statutory Authority

There is nothing in the department’s analysis to indicate that the department has cooperated with the Department of Health and Social Services as required under s. 440.03 (10), Stats.

2. Form, Style and Placement in Administrative Code

a. In the citations under “statutes authorizing promulgation” in the department’s analysis, there is no need to include “as created by 1993 Wisconsin Act 445” since the 1993-94 statutes have been published.

b. In s. Psy 4.02 (5) (a), “such” should be deleted. [See s. 1.01 (9) (c), Manual.]

c. In s. Psy 4.02 (6), “may” should be substituted for “shall.”

4. Adequacy of References to Related Statutes, Rules and Forms

In s. Psy 4.02 (5) (a), the cite to s. 632.89, Stats., appears to be incorrect. It is suggested that reference be made to community mental health programs, “as defined in s. 51.01 (3n), Stats.”.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Is it realistic to require a psychologist in advance to notify the board of the dates and total number of hours over a two-year period for which the psychologist will be available to provide assistance?

b. In s. Psy 4.02 (5) (b), the reason for the reference to requests for assistance received by the Medical Examining Board is unclear. Section 448.40 (2) (a), Stats., notwithstanding, it is not clear why the Psychology Examining Board, at least in the context of the rule, needs to be concerned about requests for assistance made to the Medical Examining Board. Also, the sentence should be written in the active voice to clarify what entity is making referrals to the Department of Health and Social Services.