

# 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 95-071**

### **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.]**

#### **2. Form, Style and Placement in Administrative Code**

a. Section 1.02 (1), Manual, states that the beginning of each draft of a rule-making order should include an introductory clause consisting of a relating clause concisely stating the subject matter of the proposed order and an enumeration of the sections treated by the proposed order and the nature of the treatment. An example of proper format for an introductory clause is set forth following that provision. In this rule, the sentence which immediately precedes SECTION 1 of the rule should be moved to precede the plain language analysis and redrafted to conform to the example provided in the Manual.

b. In the treatment language for each SECTION of the rule, the word “Section” which precedes “DOD” in each case should be deleted.

c. In SECTION 3, only s. DOD 22.06 (intro.) and (8) should be treated. The language amending s. DOD 22.07 (1) (b) should be moved to a SECTION 4 with the following treatment clause: “DOD 22.07 (1) (b) is amended to read:”. See s. 1.04 (2), Manual, regarding when it is appropriate to place more than one rule section in a single SECTION of a draft rule.

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

In SECTION 3, the various references to provisions of s. DOD 28.06 and 28.07 are incorrect and should read 22.06 and 22.07.

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

a. The definition of “educational loan” in s. DOD 22.02 (1m) lists a variety of higher education loans available for medical education, such as “a plus loan,” “a stafford loan” and “a scholastic loan.” It would be helpful if citations to applicable laws governing these various loans were included where such citations exist, or if the full names of the programs offering the loans are specified, to more precisely identify the loans being referred to. Also, it is suggested that the two occurrences of the phrase “health care provider” on lines 7, 8 and 9 be changed to “physician,” for consistency with other provisions of ch. DOD 22 and to avoid confusion with provisions of ch. DOD 28, which relates to the health care provider loan assistance program. Finally, this provision states that the educational loans must be used exclusively for educational purposes and must have been obtained “for education related to the health care provider’s field of practice.” Use of the term “field of practice” could be interpreted as requiring the education to have been related to the physician’s specialty, such as primary care, obstetrics or psychiatry. If that is what is meant by “field of practice,” that language appears to conflict with the statute governing the physician loan assistance program which provides, at s. 560.183 (2) (a), Stats., that the Department may repay up to \$50,000 in educational loans obtained by the physician from a public or private lending institution for education in an accredited school of medicine or for post graduate medical training. Therefore, a physician’s loans for initial medical school training, in addition to any post graduate training, are eligible for repayment under the program. The language relating to “education related to the health care provider’s field of practice” should be reviewed and rewritten to conform to the underlying statute.

b. In s. DOD 22.06 (intro.), a comma should be inserted without underscoring after the word “applicants” on line 2, as there is a comma in the current rule.