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CLEARINGHOUSE RULE 96-158

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. Generally, the form and style of the rule suffer because the new provisions are patterned after existing rules that are poorly drafted. While the comments below are confined to newly created rule provisions, they apply as well to many of the existing provisions of ch. Med 13.

b. Section Med 13.03 (1) is inappropriately divided into an (intro.) and pars. (a) and (b). However, introductory material always ends with a colon and leads into the subunits that follow. [s. 1.03 (8), Manual.] Therefore, it is suggested that the (intro.) be numbered par. (a), with an appropriate title, and that pars. (a) and (b) become pars. (b) and (c).

c. The use of titles in the rule is inconsistent. [s. 1.05 (1), Manual.] For example, titles are provided for the paragraphs in s. Med 13.03 (1) but not for the subsections in the section nor for the paragraphs of sub. (2). In s. Med 13.05, the subsections are given titles but not the paragraphs of sub. (1). Although the inconsistent use of titles is noted, in the context of the overall rule it is not recommended that the rule be revised in this regard.

d. It is suggested that s. Med 13.03 (1) (b) be redrafted along the following lines:

Med 13.03 (1) (b) *Podiatrists*. An educational program approved at the time of the podiatrist's attendance by the council on podiatric medical education of the American podiatric medical association may be used for continuing education credit. An

educational program provided outside the United States may be used for continuing education credit if the program is approved by the board. One hour of attendance by a podiatrist at a continuing education program is the equivalent of one hour of continuing medical education for purposes of s. Med 13.02 (1).

- e. In SECTION 6, the title to s. Med 13.05 should not be set forth.
- f. It is suggested that s. Med 13.05 (1m) be drafted along the following lines:

Med 13.05 (1m) **Podiatrists.** Certification by the providing institution or organization or the council on podiatric medical education of the American podiatric medical association of attendance at and completion of continuing medical education programs approved under s. Med 13.03 (1) (b) is satisfactory evidence for purposes of sub. (2) and s. Med 13.06.

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

- a. The board may wish to indicate in the rule when the podiatrist continuing education requirements first take effect. See SECTION 6 (2) of 1995 Wisconsin Act 245. Is it necessary to address in the rule what the continuing education requirements will be for podiatrists who are licensed between November 1, 1995 and November 1, 1997?
- b. The department's analysis indicates that the rule requires an applicant for a license to practice podiatry to supply evidence of completion of 12 months of postgraduate training in an approved program. The rule does not contain this requirement.