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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 99-070

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 September 1998.]

2. Form, Style and Placement in Administrative Code

a. In s. Ins 17.01 (3) (intro.), the colon should not be underscored because it is part of the current text.

b. In s. Ins 17.275 (3), “plan” following “means any” should be underscored because it is not in the original text.

c. In s. Ins 17.275 (4) (e), “defended or” should be underscored because it is not in the original text.

d. The SECTIONS of the rule should be arranged according to the numbering of the chapter sections or subdivisions thereof. Therefore, the creation of s. Ins 17.28 (5) (c) should be in SECTION 3 and the amendment of s. Ins 17.28 (6a) should be in SECTION 5.

e. In s. Ins 17.28 (6a), “through” should be replaced with “to” to reflect the current text of the rule. Also, a period should be inserted after “s. 655.23 (4) (c) 2”. (Subdivision numbers are followed by a period.) Finally, should “1.073” be replaced with “1.161” to reflect the current text or does the drafter intend to amend this provision? Please review.

f. SECTION 6 should be deleted. An initial applicability provision is used to specify the situations to which a change in the law first applies. Because this rule is intended to generally apply to those affected on a particular date and is not triggered by an action by those affected, an

initial applicability provision is not necessary. Instead, the effective date provision should be redrafted to state that the rule takes effect on July 1, 1999. Alternatively, the effective date provision could state that the rule takes effect on July 1, 1999 or the day after publication, whichever is later.

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

a. Section Ins 17.275 (2) refers to confidentiality of medical records under ss. 146.81 to 146.84, Stats. Should ss. 51.20 and 252.15, Stats., also be cited?

b. Section Ins 17.275 (4) (b) refers to “s. 655.275, Stats., and rules promulgated under that section.” Is it possible to cite the rules specifically?

c. In s. Ins 17.28 (6) (a), it appears that the reference to par. (g) should be replaced with par. (f) because par. (g) relates to nurse anesthetists.

d. In s. 17.28 (6) (o), the reference to s. Ins 120.03 (10) should be replaced with s. HFS 120.03 (10).

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

a. In s. Ins 17.275 (2), “but not limited to.” could be deleted. Also, the hyphen between “attorney” and “work” should be deleted.

b. In the lists of employed health care persons in s. Ins 17.28 (6) (k) 2., (L) 2., (m) 2. and (n) 3., the terms should be expressed either in the singular or in the plural for consistency.

c. In s. Ins 17.28 (6) (m) 2., a space should be inserted between “1999” and “Fund Fee.”

d. In s. Ins 17.28 (6) (n) (intro.) and 3., should “operational cooperative sickness plan” be replaced with “operational cooperative sickness association” to be consistent with the language in s. 655.002 (1) (f), Stats.?

e. In s. Ins 17.28 (5) (c), “providers” in the first sentence should be replaced with “provider.” Also, it is not clear how the late fee for additional weeks the certificate is not in compliance will be calculated. Perhaps the paragraph could state that for every additional week after the first week that the certificate is not in compliance, an additional late fee shall be paid.