

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 99-149**

### **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.]**

#### **1. Statutory Authority**

The analysis to the rule indicates that the rule is modeled on a Medical Examining Board rule. It is noted that s. 448.05 (6), Stats., gives the Medical Examining Board the specific authority to limit the number of times an applicant may take an examination. No such specific authority seems to exist for the promulgation of this rule. It is presumed that the authority for this rule comes from s. 455.045 (3), Stats. However, that statutory provision authorizes the Medical Examining Board to promulgate rules for “acceptable performance on examinations.” It does not deal with limiting the number of times an individual may take an examination. The analysis to the rule could be strengthened by better identifying how this rule fits within that statutory authority.

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

To obviate the need for the substantial underscoring in SECTIONS 1 and 2 of the rule, the amended provisions could simply be repealed and recreated.

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

The phrases “shall not be admitted” in SECTIONS 1 and 2, should be changed to “may not be admitted.” [See s. 1.01 (2), Manual.]