



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 02-117

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 2002.]

2. Form, Style and Placement in Administrative Code

- a. In s. HFS 116.01 (intro.), the citation should read: “227.11 (2) and 253.12 (3) (a).”
- b. Section HFS 116.03 makes use of the phrases “meaning prescribed,” “meaning prescribed for,” “meaning specified under,” and “meaning given.” A consistent phrase should be used and the preferred phrase is “meaning given.”
- c. Section HFS 116.03 (12) appears to be unnecessary and should be deleted.
- d. The requirement in s. HFS 116.03 (15) that information submitted to the department must be included in the registry within 60 days after the department receives it, is substantive and should be included in the text of the rule rather than in the definitions. See s. 1.01 (7) (b) of the Manual.
- e. Section HFS 116.04 (2) (a) (intro.) should read: “Except as provided in par. (b), the following persons shall report a birth defect to the department:”. Paragraph (a), subd. 3. then should be renumbered as par. (b) and the remaining paragraphs and cross-references in subs. (2) and (3) should be renumbered accordingly.
- f. In s. HFS 116.04 (5) (a), the word “and” should be inserted after the word “keep”; the word “a” prior to the word “registry” should be deleted; and the paragraph should conclude with a period rather than a comma.
- g. In s. HFS 116.05 (2) (a), “only” should be moved to appear immediately following “data.”

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

a. The use of the terms “reporter” and “designated reporter” in the rule is confusing. Section HFS 116.03 (13) defines “reporter” to include persons designated by physicians, pediatric specialty clinics, and hospitals. Section HFS 116.04 (1) provides that “reporters *shall* report to the department a birth defect or suspected birth defect . . .” (italics added). However, s. 253.12 (2) (a), Stats., requires only physicians and pediatric specialty clinics to report birth defects. [See also s. HFS 116.04 (2) (b).] Further, s. HFS 116.04 (2) (c) refers to “a designated reporter under par. (a) or (b).” The use of these terms should be reviewed.

b. Section HFS 116.05 (4) could be clarified by including a cross-reference to the “normal record retention requirements.”