



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 03-023

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. Med 22.06, the introductory subsection should be numbered sub. (1) because the text does not introduce the subsequent text and the remaining subsections should be renumbered accordingly.

b. In s. Med 22.10 (3) (a) 3. and (c) 5., the notes are substantive and should be included in the text of the rule.

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

a. In s. Med 22.02 (3), “s. 448.014 (1m), Stats.” should be replaced with “s. 448.015 (1m), Stats.”

b. In s. Med 22.04 (1), the citation is incorrect.

c. In s. Med 22.04 (4) (second occurrence), it appears that the notation “sub.” should be replaced by the notation “s. Med 22.03.” Section Med 22.04 contains two subsections numbered “(4)” and two subsections numbered “(5).”

d. The rule makes frequent references to forms. The requirements of s. 227.14 (3), Stats., should be met.

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

a. The analysis has typographical errors. For example, in the second paragraph, “and” in the third sentence should be deleted. In the fourth paragraph, “define3d” should be replaced with “defined.” Also, in the statement of statutory authority and statutes interpreted, the parenthetical notations in the citation to s. 448.40 (2), Stats., should be corrected. Finally, in the analysis, what does “tecunicvues” mean?

b. In s. Med 22.03 (3) (a), “Until” should be replaced with “For applications submitted before.”

c. In s. Med 22.03 (3) (b) 3., a comma should be inserted before “if required.”

d. In s. Med 22.04 (2) (intro.), a phrase such as “who meets the criterion” should be inserted after “An applicant.”

e. In s. Med 22.04 (2) (a) and (b), “in any way” should be deleted. This comment also applies to sub. (5) (a) and (b).

f. In s. Med 22.04 (2) (e), the rule should clarify who must have found the person negligent. This comment also applies to sub. (5) (g).

g. In s. Med 22.04 (2) (f), is there a diagnosis of exhibitionism or voyeurism? Also, who must make the diagnosis? This comment also applies to sub. (5) (h).

h. It appears that s. Med 22.04 (3) to (5) (intro.) could be combined into one subsection.

i. In s. Med 22.04 (5) (intro.), “who meets the criteria” should be inserted after “An applicant.”

j. In s. Med 22.04 (5) (e), the phrase “the last three years” should be replaced by a phrase similar to “the three calendar years preceding the year of application” or “the three-year period preceding the date of application.”

k. Section Med 22.04 (6) and (7) refer to a “passing grade” and a “passing score.” First, consistent terminology should be used. Second, a passing grade or score is a standard that should be included in the text of the rule.

l. In s. Med 22.04 (4) (second occurrence), “The board designates the council as its agent for conducting” should be replaced with “The council shall conduct.”

m. In s. Med 22.05 (1) (intro.), “who meets the criteria” should be inserted before “under s. Med 22.03 (3) (b).” Also, the word “regular” is unnecessary and should be deleted. See also sub. (5).

n. In s. Med 22.05 (2), the word “perfusionists” should be replaced by the word “perfusionist.”

o. In s. Med 22.05 (3), should “failed” be inserted after “notified of having”? Also, the provision should be clarified to state that the temporary license expires one year from the date of

its issuance or when the applicant is notified of failure, whichever occurs earlier. Finally, if a temporary license is reinstated, will it expire one year after the date of its issuance?

p. In s. Med 22.05 (4), it appears that the sentence should end after “5 years.” The rest of the sentence repeats what is stated in sub. (3).

q. In s. Med 22.05 (5), the review of documents for a “regular” license should be discussed in the section relating to “regular” licenses. Also, in the second sentence, the phrase “board acting through the” should be deleted.

r. In s. Med 22.06 (1) (d), who makes this statement?

s. In s. Med 22.06 (1) (e), what are the required fees? A cross-reference would be helpful.

t. In s. Med 22.06 (3), “, as defined in s. 448.015 (1m), Stats.,” should be deleted because the term “perfusion” is already defined for the chapter. This comment also applies to s. Med 22.09 (intro.). Also, “providing such practice is confined to” should be replaced with “only in.”

u. In s. Med 22.06 (4), “shall expire” should be replaced with “expires.” Also, “temporary” should be replaced with “locum tenens.”

v. In s. Med 22.07 (1), “may request a review of that examination” should be replaced with “may make a request to review that examination.” Also, what is the required fee?

w. In s. Med 22.07 (6), “oral tape” should be replaced with “oral exam audiotape.”

x. In s. Med 22.07 (7), the third sentence should be rewritten to read: “The applicant may consult bound reference books during the review.” Also, in the fifth sentence, “desired” should be replaced with “requested.”

y. In s. Med 22.08 (1) (d), “which” should be deleted.

z. In s. Med 22.09 (6), “those” should be replaced with “the.”

aa. In s. Med 22.10 (1) (a), should “perfusion” be capitalized?

bb. In s. Med 22.10 (2), “holder of a license as a perfusionist” should be replaced with “licensee.” Also, this subsection should include the substance of sub. (4). Subsection (4) can then be deleted.

cc. In s. Med 22.10 (3) (a) a hyphen should be inserted between “ABCP” and “approved.” Also, in sub. (3) (intro.) and (a), the phrase “all of” should be inserted before the phrase “the following.”

dd. In s. Med 22.10 (3), the descriptions of continuing education requirements would be easier to read if the units awarded for each activity were at the beginning of each sentence. For example, sub. (3) (a) 1. could read: “One continuing education unit for each contact hour of attendance at perfusion meetings”

ee. In s. Med 22.10 (3) (a) 2., is each publication worth five continuing education units? How units are counted should also be clarified for subds. 3. and 6. and par. (c) 1. and 7.

ff. In s. Med 22.10 (3) (c) 4., a hyphen should be inserted between “degree” and “oriented.”

gg. In s. Med 22.10 (3) (c) 5., does “hour” mean a 60-minute hour or a contact hour?

hh. Section Med 22.10 (5) should be rewritten to read: “An applicant for renewal shall certify his or her attendance at required continuing education.”