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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 03-033

#### 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.]**

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

Section 153.07 (3), Stats., requires the Board of Health Care Information to approve certain administrative rule changes. Some of the changes to the rules relating to health care information are substantive and board approval should have been sought. If this approval was obtained, this should be noted in the analysis.

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

a. The analysis should include a list of the statutes interpreted by the rule.

b. In SECTION 16 of the rule, s. HFS 106.03 (4) (c) is amended to end with a semicolon and the word “or” instead of a period. However, that is the final item in the list of items in that rule subsection. Therefore, s. HFS 106.03 (4) (c) should end with a period.

c. In SECTION 24 of the rule, s. HFS 107.11 (6) (b) 5. a., the internal reference should read: “Except as provided in this subd. 5. b.” [See s. 1.07 (2), Manual.] Also, in this SECTION and in SECTION 25 of the rule, the entire capitalized word “Drugs” in the current rule should be stricken through and the new word “drugs,” that is not capitalized, should be underscored. [See also s. HFS 120.03 (30) and (36).]

d. In SECTION 27 of the rule, the current reference to “speech and language pathologists” is deleted and replaced with “speech-language pathologist.” However, in current s. PI 3.35, which is referenced in that rule, the term “speech and language pathologist” is still used. Should this term be retained in this rule?

- e. In s. HFS 120.11 (3) (d) 1., the notation “s.” should be amended to read “ss.”

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

a. In the plain language analysis, the amendments to the administrative code that are cited do not always correctly track the SECTIONS in the rule. The plain language analysis should be reviewed for consistency between the SECTIONS cited in the analysis and the SECTIONS in the rule.

b. In SECTION 22 of the rule, s. HFS 107.10 (3) (h) 8. has a quotation mark at the end. This should be deleted.

c. In SECTION 31 of the rule, s. HFS 120.03 (7) (Note), should the mailing address be retained for those individuals who do not have access to the Internet? This comment also applies to other parts of the rule where the mailing address present in a note was deleted.

d. In SECTION 32 of the rule, s. HFS 120.052, deletes the first “or.” If that word is deleted, information must be submitted by “1st class registered mail” as one of the options. Should this read “1st class *or* registered mail”?

e. In SECTIONS 62 and 63 of the rule, because of the strikethrough of the phrase “for the developmentally disabled,” reference is made only to a “facility.” This reference should be either to the acronym “FDD” or to the entire term “facility for developmental disabilities.”