



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 04-037

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.]

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

If the definition of “southeastern facility” in s. VA 18.01 (3) is retained, the more specific citation “s. 45.385 (1)” could be provided. However, see comment 5. b., below, regarding the suggested deletion of that definition.

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

a. According to the chapter title and the relating clause, this rule pertains to a stipend program for a person studying to become a registered nurse (RN) who then works as an RN at one of the two state veterans homes (King and Union Grove). However, the program description in the first paragraph of the rule analysis does not mention that the stipend is for students in an RN program. It only states that the department must certify applicants who meet eligibility criteria and are deemed to be a suitable employee of the home. For clarification, the phrase “as a registered nurse” should be inserted after the word “employed” on line 5.

b. In s. VA 18.01, it would simplify the rule to add Union Grove to the definition of “home” in sub. (2) and eliminate the definition of “southeastern facility” in sub. (3) and use of the term in the rule text. The rule analysis and the Note following s. VA 18.02 (1) both refer to the facility using the Union Grove designation. If the department wishes to retain a reference to the statute governing the Union Grove facility, the term “Union Grove,” rather than “southeastern facility,” could be defined as the veterans facility operated by the department under s. 45.385 (1), Stats., and then “Union Grove” could be used in the rule text in place of

“southeastern facility.” Finally, the Note to this subsection should include reader-friendly information such as addresses, telephone numbers, and email contacts.

c. For a more logical order in s. VA 18.02, it is suggested that the eligibility requirements for receipt of the stipend be placed in sub. (1) and the provisions relating to the application procedure be placed in sub. (2).

d. Regarding the application procedure in s. VA 18.02 (1), reference is made to a person being “determined to be a suitable employee” of the home or southeastern facility, without mentioning that the person is to be employed as a registered nurse. The phrase “, as a registered nurse,” should be inserted after “employee” for clarification.

e. With regard to the eligibility requirements in s. VA 18.02 (2):

1. There is a typographical error in the word “ELIGIBILITY” in sub. (2) (title).
2. In sub. (2) (intro.), the phrase “all of the” should be inserted before the word “following.”
3. In sub. (2) (a), is “accredited school of nursing” a generally understood term? If not, perhaps it should be defined. Do those schools offer nursing degrees other than RNs? If so, this language should state that the person has been accepted *into the registered nurse program* at an accredited school of nursing, because the stipend is only available to those pursuing the RN degree.
4. Language in sub. (1) regarding an employee having to be determined to be a suitable employee of a veterans home could be interpreted as limiting the availability of the stipend to persons who are not already employed in any capacity by a veterans home. If the department intends that a person *already employed* at a veterans home in a capacity other than registered nurse is to be eligible for the stipend program, language to that effect should be included in the eligibility provisions in sub. (2) and in the rule analysis. Also, the department may want to indicate in the analysis that a person is *not* eligible for the stipend if the person is already an RN and is seeking work as an RN at a veterans home, if the department believes there may be confusion on this point.

f. Section VA 18.02 (3), relating to the stipend amount, should indicate the timing of receipt of the stipend payments, particularly the first payment, since under sub. (2) (b), the person is expected to become employed as an RN *within two years* of receipt of an initial stipend payment.

g. The following comments pertain to s. VA 18.02 (4):

1. The introduction requires the department and applicant to enter into an agreement prior to the payment of a stipend. Is this a written agreement, signed by both parties? That should be explicitly stated.

2. Also, the introduction states that the agreement must “identify the terms of participation” for the department and applicant. The rule specifies only one required component of an agreement, which relates to refunding a prorated stipend amount in specified circumstances. It appears that the rule itself should set forth all of the general subjects to be addressed in the agreement, such as the period of time for which the applicant agrees to work as an RN at a veterans home in exchange for receipt of a stipend.
3. In par. (a), the phrase “that would preclude” should be changed to “, which precludes.” Also, for clarification, “registered nurse” should be inserted before “training program” on line 2.
4. In par. (c), the phrase “as a registered nurse” should be inserted after “employment” on line 1.