



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 09-003

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

1. Statutory Authority

Section 46.287, Stats., provides that a family care client may contest any reduction in services or support items under the family care benefit or termination of the family care benefit. The only exception is in cases in which the person has an identical dispute as a recipient of Medical Assistance. Therefore, even though a contest ultimately will be futile, as described in the rule preface, it appears that the exception to the requirement for a hearing created in the proposed rule does not comply with current law.

2. Form, Style and Placement in Administrative Code

a. In the second paragraph of the plain language analysis, it appears that the final two occurrences of the year “2008” are inconsistent. It appears that the years either should be “2007” and “2008” or should be “2008” and “2009.”

b. In s. DHS 10.56 (2m), the phrase “state legislature” should be replaced by the word “state.”