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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 10-068

#### 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.]**

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

a. The treatment clause of SECTION 1 should read “Ins 3.33 is created to read:”. Also, while that SECTION purports to create s. Ins 3.33, the text refers to s. Ins 3.28. This should be corrected.

b. The terms defined in s. Ins 3.33 (1) should be reversed so that they are in alphabetical order.

c. Throughout the rule, “shall” should replace “must”. In addition, the rule should be written in the active voice. The second sentence of s. 3.28 (3) (a) should read: “An applicant shall answer each question and an insurer shall send...”.

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

a. Reference to form OCI 26-503 in Appendix 1 throughout the rule should use correct citation to the rule and should read s. Ins 3.33, Appendix 1.

b. In s. Ins 3.28 (2), the reference to s. 601.42 (10) should be to s. 601.41 (10) and “, Stats.” should be added. Also, the reference to par. (3) (b) should be to sub. (3) (b).

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

a. The term “of” in the first sentence of s. Ins 3.28 (1) (b) should be changed to “or.”

b. Section Ins 3.28 (2) (b), Stats., should be clarified to indicate the scope of the procedures and policies the insurer is required to implement.

c. In s. Ins 3.28 (3) (a), in the first sentence, “fill in” should replace “fill-in”.

d. In s. Ins 3.28 (4) (a), the first sentence does not appear to be a complete sentence.

e. The following modifications should be made to the form OCI 26-503 contained in s. Ins 3.33, Appendix 1:

- (1) A space should be inserted between the dash and “II.” in Section I. under the primary applicant information.
- (2) The sentences in Section II. A. should read: “Please complete ONLY if your spouse and/or children under the age of 27 are applying for coverage. If there is not enough space provided, please attach an additional sheet with the necessary family information. **Please sign and date the additional sheet.**”
- (3) Section II. A. asks for information about a spouse but should the term “domestic partner” also be used?
- (4) It is unclear whose address needs to be listed in Section II. B. This might be relabeled “Primary Applicant’s Mailing Address”.
- (5) Section IV. repeats questions in question 16 and question 18 regarding tobacco use.
- (6) Section IV., question 19 (a) should define the term “extreme activities” or give some examples of what is considered extreme.