



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 16-062

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 December 2014.]

1. Statutory Authority

a. It is not clear why the analysis section says the rules are being updated to “conform to” and “align” with the statutes when the statutes being interpreted have not changed. The board could consider whether a different explanation of the reason for the proposed changes would be clearer.

b. The proposed rule removes s. Psy 3.04 regarding scheduling and notice of exams. Section 455.045 (3), Stats., states the board shall promulgate rules establishing standards for public notice of examinations and for acceptable performance of examinations. It does not appear that the regulations as proposed establish standards for public notice of examinations.

2. Form, Style and Placement in Administrative Code

a. A comment should be added to the “Related statute or rule” section of the analysis. If there is no information, the text should state that there is no information. [s. 1.02 (2), Manual.]

b. The board could consider adding an initial applicability clause after the text of the rule and before the effective date section. The clause could state: “This rule first applies to license applications that are submitted on the effective date of this rule.”. [s. 1.02 (3m), Manual.]

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

a. Section Psy 3.01 (5) should be reworded for clarity to state the applicant shall submit “Evidence that the applicant holds a regular license...”.

b. The examinations required in s. Psy 3.01 (6) and (7) are not clearly identified. Consider referring to the examinations identified in the statutes. In s. Psy 3.01 (6), consider referring to the exam identified in s. 445.045 (2) (a), Stats. In s. Psy 3.01 (7), consider referring to the examination identified in s. 445.045 (2) (b), Stats.

c. Section Psy 3.01 (9) does not state who decides what information is necessary for the board's determination. The board could consider rephrasing this section to require, for example, submission of "all information requested by the board to determine...".