

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4234/P2dn  
DAK:kmg:jf

January 7, 2002

Jennifer:

1. Please review s. 146.61 (5) (a) 2.; instead of using the language proposed, I referred to the exemptions listed in Appendix A of 42 CFR 72; these are the same as the language proposed.
2. I have drafted s. 146.61 (6) very similarly to the language proposed (please note that I have defined "state agency" and that I have included an authority in the provision. However, the provision does not appear to me to be "consistent" with 42 CFR 72.6 (c), which appears to permit the secretary of the federal department of health and human services to authorize a state agency or private entity to register facilities in lieu of having the registration performed by the federal government. In addition, 42 CFR 72.6 (c) permits the authorization only if the secretary determines that the registering entity's criteria meets with certain federal requirements.
3. Please review s. 146.61 (7); I am not sure if this is what you want. Usually, the secretary of an agency appoints such a committee. Is the state epidemiologist supposed to be a member, in addition to the DHFS representative? Is this committee to exist only for purposes of the initial rules promulgation (in which case, the provision should be nonstatutory), or beyond that time?

Please let me know when you would like the draft to be in introducible form.

Debora A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137  
E-mail: debora.kennedy@legis.state.wi.us