



Carol Roessler
STATE SENATOR

April 9, 2004

To: Members of the Senate Committee on Health, Children, Families, Aging and Long Term Care.

From: Senator Carol Roessler, Chair

Re: Clearinghouse Rule 04-017 relating to the certification and regulation of occupational therapists and occupational therapy assistants.

CR 04-017 has been referred to the Senate Committee on Health, Children, Families, Aging and Long Term Care. 1999 Wisconsin Act 180 created the Occupational Therapists Affiliated Credentialing Board and made numerous substantive changes to the licensure and regulation of occupational therapists and occupational therapy assistants. The Occupational Credentialing Board thereafter promulgated administrative rules required by the new law. The administrative rules found at ch. Med 19, which governed the licensure of occupational therapists and occupational therapy assistants before creation of the new affiliated credentialing board, were not, through oversight, repealed.

If you would like the Committee to hold a hearing on CR 04-017, please contact Jennifer Halbur in my office at 266-5300 by Wednesday April 21st.

Jim Doyle
Governor

**WISCONSIN DEPARTMENT OF
REGULATION & LICENSING**

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Donsia Strong Hill
Secretary



April 6, 2004

LETTER OF TRANSMITTAL

TO: Senate Chief Clerk
Attention: Donald J. Schneider
17 West Main Street, Room 401
Risser Justice Building
Madison, Wisconsin 53702

FROM: Pamela Haack, Paralegal
Department of Regulation and Licensing
Office of Administrative Rules
1400 East Washington Avenue, Room 171
Madison, Wisconsin 53702

The attached rule jacket containing a report to the legislative standing committee is being submitted for delivery to the President of the Senate pursuant to section 227.19 (4) (b) 4., Stats.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact me at 266-0495.

Thank you.

04-017

**STATE OF WISCONSIN
MEDICAL EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : MEDICAL EXAMINING BOARD
MEDICAL EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 04-017)**

TO: Alan J. Lasee
President of the Senate
Room 219 South, State Capitol
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the MEDICAL EXAMINING BOARD is submitting in final draft form rules relating to the certification and regulation of occupational therapists and occupational therapy assistants.

If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

**STATE OF WISCONSIN
MEDICAL EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 04-017
MEDICAL EXAMINING BOARD : (s. 227.19 (3), Stats.)**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

This rule change will have no fiscal impact on the Department of Regulation and Licensing.

IV. STATEMENT EXPLAINING NEED:

1999 Wisconsin Act 180, effective June 2, 2000, created the Occupational Therapists Affiliated Credentialing Board and made numerous substantive changes to the licensure and regulation of occupational therapists and occupational therapy assistants. The Occupational Therapists Affiliated Credentialing Board thereafter promulgated administrative rules required by the new law, which became effective January 1, 2003, and are found at Chapters OT 1 to 5. The administrative rules found at ch. Med 19, which governed the licensure of occupational therapists and occupational therapy assistants before creation of the new affiliated credentialing board, were not, through oversight, repealed.

This rule-making order repeals ch. Med 19 as a result of the creation of the Occupational Therapists Affiliated Credentialing Board, therefore 2003 Wisconsin Act 118 is not applicable.

V. 30-DAY NOTICE:

A 30-day notice was published on March 1, 2004. No petitions were received by the Medical Examining Board.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

The recommendations suggested in the Clearinghouse Report were accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

Med 19 CR04-017 (Repeal of OT rules) Leg Report 04-06-04

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : MEDICAL EXAMINING BOARD
MEDICAL EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 04-017)

PROPOSED ORDER

An order of the Medical Examining board to repeal chapter Med 19, relating to the certification and regulation of occupational therapists and occupational therapy assistants.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 448.965, Stats.

Statutes interpreted: s. 448.965, Stats.

1999 Wisconsin Act 180, effective June 2, 2000, created the Occupational Therapists Affiliated Credentialing Board and made numerous substantive changes to the licensure and regulation of occupational therapists and occupational therapy assistants. The Occupational Therapists Affiliated Credentialing Board thereafter promulgated administrative rules required by the new law, which became effective January 1, 2003, and are found at Chapters OT 1 to 5. The administrative rules found at ch. Med 19, which governed the licensure of occupational therapists and occupational therapy assistants before creation of the new affiliated credentialing board, were not, through oversight, repealed.

This rule-making order repeals ch. Med 19 as a result of the creation of the Occupational Therapists Affiliated Credentialing Board, therefore 2003 Wisconsin Act 118 is not applicable.

TEXT OF RULE

SECTION 1. Chapter Med 19 is repealed.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Chairperson
Medical Examining Board

FISCAL ESTIMATE

This rule change will have no fiscal impact on the Department of Regulation and Licensing.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Med 19 CR04-017 (Repeal of OT rules) Draft to Leg 04-06-04



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 04-017

AN ORDER to repeal chapter Med 19, relating to the certification and regulation of occupational therapists and occupational therapy assistants.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

02-11-2004 RECEIVED BY LEGISLATIVE COUNCIL.

03-10-2004 REPORT SENT TO AGENCY.

RS:DD

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 04-017

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

- a. In the "proposed order" clause, reference should be to ch. Med 19, not chs. OT 1 to 5.
- b. In the department's analysis, reference under "statutes interpreted" may be made to s. 448.965, Stats.