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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 98-116

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 September 1998.]

2. Form, Style and Placement in Administrative Code

a. Section RL 91.02 (intro.) should be s. RL 91.02 (1) and the subsections that follow should be renumbered. As drafted, the (intro.) does not follow the correct format for introductory material. It does not end in a colon and lead into the subunits that follow. [See s. 1.03 (8), Manual.] This comment applies also to s. RL 93.04 (intro.).

b. In s. RL 94.01 (16), the word “section” should be changed to “subsection.”

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

a. The second and fourth sentences of the analysis are not written as complete sentences. For readability, they should be rewritten as complete sentences. Also, the analysis correctly states that under 1997 Wisconsin Act 156, the administrative rules governing massage therapy and bodywork are to require an applicant to complete at least 500 classroom hours of study. However, in ss. RL 91.01 (3) (a) and 92.01 (1), the rules actually require **at least 600** hours of classroom study. If, as it appears from those provisions, the department intends to require at least 600 hours of study, rather than 500, that fact should be stated in the analysis to avoid any confusion about the actual requirement contained in the rules.

b. The definitions of “classroom hour” and “course of instruction,” in s. RL 90.02 (1) and (2), respectively, contain identical language. It appears that the definition of “course of instruction” is not correct and should be changed.

c. In this rule, a person applying for registration as a massage therapist or bodyworker is variously referred to as “an individual applying for registration . . .” and “an applicant applying for registration . . .” It is suggested that a single term be used to describe this person, for consistency and clarity.

d. In s. RL 91.01 (intro.), the phrase “all of the following to the department” should be inserted before the colon. Also, the language in s. RL 91.01 (3) (b) does not follow grammatically from the introductory clause in sub. (3) (intro.). A solution would be to remove the “has” from the (intro.), and insert a “Has” at the beginning of pars. (a) and (c).

e. In s. RL 91.02 (intro.), the “will” on line 4 should be changed to “shall.”

f. Subsections (1) and (2) of s. RL 91.02 cover time periods that overlap with each other. Is this intended?

g. In ss. RL 91.02 (1) (intro.) and 93.02 (intro.), the phrase “to the department” should be inserted before the colon.

h. In s. RL 91.02 (1) (b) 3., the word “Pay” should be changed to “Has paid.”

i. In s. RL 91.02 (2) (c), the word “Pay” should be deleted.

j. In s. RL 91.03 (1) (intro.), the word “jurisdiction” should replace “territory” for consistency with the language in sub. (1) (c) 1. In the alternative, “state” could be used in both places. The term “state” is defined in s. 990.01 (40), Stats., to include “. . . the District of Columbia, the commonwealth of Puerto Rico and the several territories organized by Congress.” Under s. 227.27 (1), Stats., the definitions in s. 990.01, Stats., apply to rules. [Also see s. RL 91.03 (2).]

k. In s. RL 91.03 (1) (c) 4., the phrase “the person” should be deleted, as it makes the clause ungrammatical following the introductory language in sub. (1) (c) (intro.).

l. In s. RL 93.01, the word “expire” on line 1 should read “expires.”

m. In s. RL 93.04 (1) (intro.), the phrase “all of the following” should be inserted before the colon.

n. Section RL 93.04 (2) (a) and (b) refer, respectively, to successful completion of educational course work required by the department to ensure protection of the public health, safety and welfare and successful completion of an examination required by the department to ensure protection of the public health, safety and welfare, for applicants applying five years or more after the renewal date. More specific information should be provided about the course work and examination required by the department. Where are those requirements set forth? Should they be in this rule? What do they include? How can a person find out about those requirements? (Note also that “coursework” should be changed to “course work.”)

o. In s. RL 94.01 (11), the term “sexual conduct” is vague and should be more explicitly defined.

p. In s. RL 94.01 (15), the word “Knowing” should be changed to “Knowingly.”

q. In s. RL 94.01 (20), should the word “restricted” on line 3 be “restriction”? As written, the meaning of the phrase “. . . to evade the use of title restricted under ch. 440, Stats. . . .” is unclear.