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CLEARINGHOUSE RULE 98-134

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. In s. HFS 124.02 (6), the paragraph letters (b) and (c) should also be underscored. [See s. 1.06 (1), Manual.] Also, in par. (a), the phrase “, hereinafter designated patients.” should be deleted. The word “patient” is not used again in the subsection. Also, “hereinafter” is a vague term that does not tell a reader the applicability of the phrase.

b. The second sentence of s. HFS 124.41 should be rewritten in the active voice, i.e., “The department shall submit”

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

a. In SECTIONS 3 and 4, the four references to s. HFS 124.03 should be changed to s. HFS 124.02.

b. In s. HFS 124.39 (3) (b), the reference to “85.645” should be changed to “485.645”.

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

a. The analysis in the Transmittal to the Legislative Council Rules Clearinghouse and the fiscal estimate refer to critical access hospitals as being able to receive Medicare funding for care provided to Medicare patients. In contrast, the analysis in the proposed order refers to a critical access hospital as being able to receive Medicare *and Medicaid* funding for care provided to Medicare *and Medicaid* patients. These should be consistent.

b. In SECTION 4, “SECTOPM” should be changed to “SECTION.”

c. In s. HFS 124.38 (2), the phrase “critical hospital” should be changed to “critical access hospital.”

d. In s. HFS 124.39 (2) (b), it appears that the phrase “certification as a critical access hospital” should be changed to a phrase such as “certification as a necessary provider of health care services to residents in the area.” Unless this change is made, s. HFS 124.39 (2) (b) and (3) (b) will be inconsistent.

e. In the last line of s. HFS 124.39 (3) (b), “certification the designation” should be changed to “certification of the designation.”

f. In s. HFS 124.40 (6) (intro.), the reference to having a “written agreement with one or more network hospitals *or another full-time hospital*” (emphasis added) is confusing. Section HFS 124.38 (2) defines a “network hospital” as a full-time, general hospital that has an agreement with a critical access hospital to provide care to patients transferred or referred from the critical access hospital. By definition, it appears that any full-time hospital that has an agreement with a critical access hospital covering these issues is a network hospital. Therefore, it is unclear what is meant by the term “another full-time hospital” in s. HFS 124.40 (6) (intro.).