



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 04-055

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.]

2. Form, Style and Placement in Administrative Code

a. In the table of contents to ch. HFS 118, the title of s. HFS 118.05 should read “Statewide Trauma Advisory Council” in order to be consistent with the text of the rule.

b. In s. HFS 118.04 (2) (f) 1. (intro.), the phrase “all of” should be inserted before the phrase “the following reports.” [See also sub. (6) (a) 4. (intro.).]

c. In s. HFS 118.04 (6) (c) 3., there are two subd. pars. c.

d. Section HFS 118.05 (3) (L) refers to “department guidelines” for the purpose of developing and submitting to the department a regional trauma plan. Any general standards used by the department that meet the definition of the term “rule” in s. 227.01 (13), Stats., should be placed in the Administrative Code. [See also ss. HFS 118.08 (2) (a) 3. b. and 118.10 (3) (h).]

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

a. In s. HFS 118.02 (1) (e), it appears that the citation to s. 146.50 (6g) (a), Stats., is incorrect and that s. 146.50 (8), Stats., should be cited instead.

b. In s. HFS 118.03 (11), the notation “chs.” should be replaced by the notation “ch.”, since the reference is in the disjunctive.

c. In s. HFS 118.03 (16), all of the statutory citations should be followed with “Stats.”

d. In s. HFS 118.04 (6) (a) 5., “subdivision” should be replaced with “subd.” This comment also applies to subd. par. (6) (c) 3. a. and s. HFS 118.06 (3) (c) 1. b.

e. In s. HFS 118.04 (6) (a) 6., “a.” should be deleted.

f. In s. HFS 118.04 (6) (c) 1. c., it appears that the citation to s. HFS 118.06 (3) (m) is incorrect. Section HFS 118.06 (3) (o) addresses triage and transport protocol. It is not clear which portion of s. HFS 118.06 (3) addresses needs assessment. It is referred to in par. (L).

g. In s. HFS 118.06 (3) (c) 1. d., it appears that the reference to subd. par. a. should be replaced by reference to subd. par. c.

h. In s. HFS 118.06 (3) (L) 2., it appears that the reference to subd. 2. should be replaced by reference to subd. 1.

i. In s. HFS 118.08 (2) (a) 1., the phrase “within 180 days of [revisor to insert effective date]” should be replaced by the phrase “within 180 days of the effective date of this section ... [revisor inserts date].”

j. In s. HFS 118.08 (2) (c) 5., the reference to “paragraph (c)” should be replaced by the phrase “this paragraph.” Also, in par. (d), the phrase “these rules” should be replaced by the phrase “this chapter.”

k. In s. HFS 118.10 (3) (i), it appears that the citation to s. HFS 118.06 (3) (n) should be to s. HFS 118.06 (3) (m).

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

a. In s. HFS 118.02 (2), all of the statutory citations to required licenses could be deleted since all of the professions listed are defined in s. HFS 118.03.

b. In s. HFS 118.03 (5), it appears that the definition would be more accurately rewritten as “to pass the nearest hospital for a higher level of care pursuant to direction given to a pre-hospital emergency medical service by on-line medical direction or predetermined triage criteria.” Also, is “bypass” used in the chapter?

c. In s. HFS 118.03 (11), is there some language missing after the word “initiating”?

d. In s. HFS 118.03 (25) and (45), why are both “major trauma” and “traumatic injury” defined? They are given almost exactly the same meanings and “major trauma” is not used in the rest of the rule.

e. In s. HFS 118.03 (32), “persons who are sick or injured” should be replaced with “sick or injured persons.”

f. In s. HFS 118.03 (33), a period should be placed after “verification as a pediatric trauma center.” Also, “and can” should be replaced with “The trauma center may.”

g. In s. HFS 118.03 (36), the definition for “primary membership” appears to be unnecessary. The concept makes sense without a definition in the context of the rule and the definition is confusing.

h. In s. HFS 118.03 (39) (intro.), “that meets all of the following criteria” should be inserted at the end of the sentence. The paragraphs should all end in periods. Also, in par. (b), “aspirations” should perhaps be replaced with “goals.”

i. In s. HFS 118.04 (2) (b) 1., “trauma care geographic regions” should be defined or more fully explained. Will the entire state be divided into regions? What must be included in each region?

j. In s. HFS 118.04 (2) (b) 2., “reestablish executive councils as necessary to promote” should be replaced with “establish” or “approve executive councils that.” As written, it gives the impression that the department must reestablish every executive council.

k. In s. HFS 118.04 (2) (b) 3. and 4., “through the application process” and “through the process” are unnecessary and could be deleted.

l. In s. HFS 118.04 (2) (c) 1., it appears that “Review and revise” could be replaced with “Establish.” It is confusing as written.

m. In s. HFS 118.04 (2) (f) 1. (intro.), it would be helpful to include a cross-reference to a section that describes what regional performance improvement committees are.

n. In s. HFS 118.04 (2) (f) 1. a., are the quarterly reports for the region or the entire state?

o. In s. HFS 118.04 (2) (g) 1., what are “localities”? This comment also applies to s. HFS 118.06 (3) (m) (intro.).

p. In s. HFS 118.04 (2) (g) 5., “statewide trauma care” should be inserted before “system.”

q. In s. HFS 118.04 (3) (a) 2., “its own” should be replaced by “an.” Also, should there be a timeline for when an investigation must be commenced or completed?

r. In s. HFS 118.04 (4) (a), the text should be reviewed and clarified as to whether the investigation authority applies only in response to complaints or applies more broadly.

s. In s. HFS 118.04 (5), it seems that it would be impossible to show unreasonable hardship for the provider *and* the public. What is an unreasonable hardship for the public? Perhaps the reference to a hardship for the public could be deleted.

t. In s. HFS 118.04 (6) (a) 4. b., instead of stating that the site visit is based on the assessment and classification criteria, it may be clearer to state that the purpose of the site visit is to determine whether the facility meets the assessment and classification criteria.

u. In s. HFS 118.04 (6) (a) 4. c., must the findings be submitted within 30 days of completing the site visit?

v. In s. HFS 118.04 (6) (a) 5. d., “within 5 days” should be replaced with a more precise time, such as “on the 5th day following the date the department mails the notice.” This comment also applies to subds. (b) 4., (c) 3., and (d) 2.

w. In s. HFS 118.04 (6) (b) 2., “communicate its concerns to the hospital” should be replaced with a phrase such as “notify the hospital of its approval or disapproval.”

x. In s. HFS 118.04 (6) (c) 3., it appears that subd. pars. a. and b. could be combined.

y. In s. HFS 118.04 (6) (c) 3. c. (the first one), it appears that “and how the department might change its decision based on changes to the RTAC’s submission” could be deleted as that should be clear from the reasons given for the denial.

z. In s. HFS 118.04 (6) (d) 1. (intro.), “Department” should not be capitalized.

aa. In s. HFS 118.04 (6) (d) 1. c., it appears that the text beginning with “including” should be deleted and “or timeline” should be inserted after “any provision.”

bb. In s. HFS 118.06 (2), “provides” should be replaced with “provide.”

cc. Section HFS 118.06 (3) (b) 1. g. should clearly state whether all or only some of the representatives may not serve on more than one executive council.

dd. In s. HFS 118.06 (3) (c) 1. d., “of the hospital” should be deleted.

ee. In s. HFS 118.06 (3) (d) 2., “hold and distribute” should be replaced with “holds and distributes.” Also, this provision should be clarified. Is the fiscal agent prohibited from being the fiscal agent for another entity or does the provision simply mean that the RTAC funds may not be commingled with other funds or used for personal purposes?

ff. Section HFS 118.06 (3) (g) 1. and 2., should be combined into one sentence.

gg. In s. HFS 118.06 (3) (m) 1., “and resolved” should be deleted since the next subdivision contemplates that there may be conflicts that cannot be resolved by the executive council.

hh. In s. HFS 118.08 (2) (a) 3., “of having” should be replaced with “that it has.”

ii. Is s. HFS 118.08 (2) (b) 2. b. intended to apply to all levels or simply to levels III and IV? If it is intended to apply to all levels, then it should be placed in a separate portion of the rule text. If it is intended to apply only to levels III and IV, the provision should so state.

jj. In s. HFS 118.08 (2) (b) 2. d., the provision should specify when the 30-day time limit begins.

kk. In s. HFS 118.08 (2) (d) 2., “corresponding” and “which represents the hospital’s trauma care capabilities” are unnecessary and should be deleted.

ll. In s. HFS 118.09 (2) (a) 2., “reportable trauma cases” should be replaced with “a reportable trauma case.”

mm. In s. HFS 118.09 (2) (b), should first responder organizations be notified as well?

nn. In s. HFS 118.09 (3) (intro.), “EMS service providers” should be defined. It is not clear from the context what that term encompasses.

oo. In s. HFS 118.10 (3) (b), what is meant by “quality indicators and audit filters”?

pp. In s. HFS 118.10 (3) (h), what must be kept confidential?

qq. In s. HFS 118.10 (3) (i), should the process be to resolve conflicts in order to be consistent with s. HFS 118.06 (3) (m)?

rr. In the Notes to Appendix 1, slashed alternatives should be avoided; the word “must” should be replaced by the word “shall”; and use of the word “should” should be avoided in favor of words such as “shall” or “may.”