



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 07-060

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 January 2005.]

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

a. The references in s. HFS 133.03 (3) (i) 3. to elder abuse and abuse of vulnerable adults should be reviewed for consistency with new terminology created by 2005 Wisconsin Act 388, relating to elder adults-at-risk.

b. The reference to the controlled substances act in s. HFS 133.03 (3) (i) 5. is incorrect. The reference should be to ch. 961, Stats.

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

a. SECTION 1 of the rule should end in a period, not a colon.

b. Section HFS 133.02 (11) refers to an individual who holds a social worker certificate under s. 457.08, Stats. Should licensees under that statute also be included?

c. The reference to “enjoining” in s. HFS 133.03 (3) (i) 1. should be changed to “injunction.”

d. The reference in s. HFS 133.03 (3) (i) 4. to “owner” is vague. The rule should clarify which owners are being referred to. The same comment holds true for subd. 5.

e. Throughout the rule, the term “physician’s assistant” is used. The rule should be amended to use the correct terminology, “physician assistant.”

f. The last sentence of s. HFS 133.06 (4) (d) 2. is awkward. It should be rephrased to read: "The exposure to a communicable disease may have occurred in the community or in another location."

g. In s. HFS 133.06 (4) note, "(4)" should be inserted prior to the reference to par. (d). In addition, the word "prohibits" should be "prohibit."

h. In s. HFS 133.06 (5) (c), the second sentence is vague. Does it refer to a failure by one person to follow the evidence-based standards of practice, or is failure by more than one person needed to trigger the counseling, education, or retraining provisions? In addition, this sentence is phrased in the passive voice so it is impossible to tell who shall provide the counseling, education, or retraining.

i. In s. HFS 133.09 (3) (a) 3. b., the word "of" should be changed to "for" (the current published rule is correct).

j. In s. HFS 133.18 (1), "providing a skilled service" should be added after the word "therapist" in the last sentence.

k. In s. HFS 133.18 (2), the word "or" should be added after the word "care" in the second line.

l. In s. HFS 133.20 (1), the stricken word "treatment" should be placed after the word "of." Also, the first occurrence of "care" should be underscored.