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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 08-087

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]**

#### 2. Form, Style and Placement in Administrative Code

a. In s. RL 180.02 (1m), a, b, and c are paragraphs and should be enclosed with parentheses. Also, the structure of s. RL 180.02 (1m) (c) is inconsistent with pars. (a) and (b). Consider removing the prepositional phrase: “After having determined that defibrillation should be performed” at the beginning of the sentence altogether. This prepositional phrase is confusing as it does not indicate who or what determines whether defibrillation is necessary. Does the AED or the AED operator determine this? If this phrase is essential to the definition, and if it is intended that the machine should determine whether defibrillation is necessary, then par. (c) could be rewritten to read:

It is capable, either at the command of an operator or without the intervention of an operator, of delivering an electrical shock to an individual, after it determines defibrillation should be performed.

b. In s. RL 181.01 (2) (c) (intro.) 1. and 2., the phrase “he or she” is not sex-neutral. [s. 1.01 (3), Manual.] It should be replaced with the sex-neutral phrase “the person.” If this change is made, consider also changing the usage of this phrase in s. RL 181.01 (4) (b) 4 so that the whole chapter is consistent.

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

a. In the “Plain Language Analysis” at the bottom of page 1 and in the “Summary of Factual Data and Analytical Methodologies” at the top of page 3, it is unnecessary to write “automatic external defibrillators (AEDs)” as the abbreviation was already defined in the “Explanation of Agency Authority.” The abbreviation “AEDs” should be used instead.

b. The plain language analysis and the summary of factual data and analytical methodologies refers to an applicant receiving a license, a temporary permit, and a renewal of a license. The word “and” should be replaced by the word “or.”

c. The “Comparison with Rules in Adjacent States” section states that “the American Heart Association teaches AED with CPR” training. The supporting documentation included however, is a list of the American Red Cross class schedule. Do both associations teach the class? Is this a typographical error?

d. The first sentence in the “Summary of Factual Data and Analytical Methodologies” would be clearer if rewritten to read:

2007 Wisconsin Act 104 created a requirement that an applicant for an initial credential as a midwife, a temporary permit, or a renewal be proficient in the use of AEDs through the completion of an approved instruction program.

e. In the rule preface review of the agency’s analysis and supporting documents used to determine effect on small business or in preparation of an economic impact report, it appears that the second occurrence of the dollar amount “\$132.00” should be replaced with the number “\$80.00.”