



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 09-065

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.]

1. Statutory Authority

Section 454.12 (2), Stats., gives the board authority to impose continuing education requirements “by rule, if necessary to preserve the public health, safety or welfare.” Presumably, the board made that determination before it developed the proposed rule. A statement to that effect would be appropriate.

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

a. Section BC 9.01 (1) refers to a form prepared by the department. The requirements of s. 227.14 (3), Stats., should be met.

b. Can reference to the “state board examination” in s. BC 9.03 be cross-referenced to the appropriate section in ch. BC 7?

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

a. Will the certification required under s. BC 9.01 (3) be part of the renewal application form under sub. (1)? The board may wish to clarify.

b. Section BC 9.02 only refers to filing of the renewal application and payment of applicable fees as required for late renewal. Presumably, certification of continuing education requirements is also required.

c. Section BC 11.02 (1) refers to “programs” approved by the board for continuing education. However, the paragraphs following the introductory clause of sub. (1) only mention providers and state nothing about program content. Will programs by these providers be approved for purposes of s. BC 11.01 (2) (b) and (c) without any board review of program content? Clarification should be considered. Also, in s. BC 11.01 (2) (intro.), the phrase “shall be obtained as follows” should be replaced by the phrase “shall consist of all of the following.”