



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 10-085

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 DHS 110.22 states that if the department decides to require other training levels to be accredited, it will do so with 30 days notice before it implements the requirement. If the department decides to impose accreditation on other training levels, this should be done through the rule-making process.

2. Form, Style and Placement in Administrative Code

a. In s. DHS 110.04 (7), the phrase “As Needed Services” should be replaced by the phrase “As needed services.” [See also subs. (12) and (18).]

b. The title to s. DHS 110.36 and the title of the same section listed in the table of contents are not the same.

c. In s. DHS 110.40 (intro.), the phrase “all of” should be inserted before the phrase “the following requirements.”

d. In s. DHS 110.47 (3), since the acronym “OSHA” is not defined, the full name of the federal agency should be placed in the text of the rule.

e. In s. DHS 110.49, the introduction should be renumbered as sub. (1) and the remaining subsections should be renumbered accordingly.

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

- a. The citation to the state statutes in s. DHS 110.04 (64) should be changed to read “s. 441.06, Stats.”
- b. The citation to the state statutes in s. DHS 110.04 (74) should be changed to read “s. 256.15 (5) (a), Stats.”
- c. Section DHS 110.15 (1) (intro.) refers to “an application with documentation acceptable to the department.” Presumably, this provision refers to a department form. With respect to forms implied by the rule, or expressly required by the rule, the requirements of s. 227.14 (3), Stats., should be met.
- d. In s. DHS 110.34 (15), the notation “ch.” should be inserted before the reference to “Trans 309.”
- e. In s. DHS 110.37 (1), the notation “s.” should be inserted before the reference to “DHS 110.35 (2).”
- f. In s. DHS 110.54 (intro.), the second occurrence of the notation “DHS” should be deleted. [See also sub. (26) and s. DHS 110.59 (1).]

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

- a. In the rule preface, in the last sentence of the section reviewing materials used to determine the rule’s effect on small business, a comma should be inserted before the word “by.”
- b. Section DHS 110.04 (6) should be clarified to read: ““Ambulance staffing configuration” means the different ways that an ambulance can be staffed based on level of service as described in s. DHS 110.50.”
- c. A right quotation mark should be included after the term “As Needed Services” contained in s. DHS 110.04 (6).
- d. Quotation marks should be placed around the term “CPR Organization” contained in s. DHS 110.04 (12).
- e. The extra quotation mark in s. DHS 110.04 (17) should be deleted.
- f. A period should be included at the end of s. DHS 110.04 (19).
- g. Section DHS 110.04 (21) should be clarified by including the following commas:
 - (1) Before the term “during.”
 - (2) After the term “staff.”
 - (3) After the term “facilities.”
- h. The first occurrence of the word “or” should be deleted in s. DHS 110.04 (24).
- i. A period should be placed at the end of s. DHS 110.04 (29).

- j. The second occurrence of the word “a” should be stricken from s. DHS 110.04 (32).
- k. Section DHS 110.04 (40) is unclear and should be rephrased, perhaps by dividing the subsection into paragraphs.
- l. In s. DHS 110.04 (43), the number “911” should be replaced by the number “9-1-1” in order to be consistent with the number used in the remainder of the rule text.
- m. In s. DHS 110.04 (53), it appears that the comma should be replaced by the word “and.”
- n. A period should be placed at the end of s. DHS 110.04 (57).
- o. Section DHS 110.04 (59) should be redrafted because it is unclear if the last phrase of the sentence applies to all the professionals listed.
- p. A period should be placed at the end of s. DHS 110.04 (79).
- q. In s. DHS 110.05 (2), it appears that the last cross-reference should read: “Section 256.15 (11) (c), (d), or (f), Stats., as applicable.”
- r. In s. DHS 110.06 (a) (c) 2., it appears that the word “the” should be inserted before the final occurrence of the word “application.”
- s. The title to s. DHS 110.07 should refer to renewal.
- t. In s. DHS 110.07 (1) (c) 1., a hyphen should be placed between the number “18” and the word “hour.” The remainder of sub. (1) (c) should be reviewed for this problem.
- u. In s. DHS 110.09 (1), the phrase “shall apply for and be credentialed under s. DHS 110.52” should be replaced by the phrase “shall be credentialed under s. DHS 110.52.”
- v. In s. DHS 110.09 (intro.), the small “t” notation after “June 30” should be deleted.
- w. Does s. DHS 110.12 accurately state that an EMT may only perform the skills, use the equipment, and administer the medications that are specified in the scope of practice for a first responder?
- x. In s. DHS 110.15 (1) (e), it appears that the word “provides” should be inserted after the word “applicant.”
- y. Section DHS 110.16 (1) provides that fees “may be” increased. This grants the department a great deal of flexibility. Should the phrase “may be” be replaced by the phrase “shall be”? Also, in sub. (1) (b), it appears that the phrase “but not more” should be replaced by the phrase “and less” in order to be consistent with s. DHS 110.09 (2).
- z. Section DHS 110.17 (1) (intro.) should conclude with a colon.
- aa. In s. DHS 110.25 (2) (b), it appears that the last comma should be deleted.
- bb. In s. DHS 110.28 (2) (a), a comma should be inserted after “2013.”

cc. The term “the” in the last sentence of s. DHS 110.33 should be replaced with “those” and the “s” on the term “receives” should be stricken.

dd. Section DHS 110.35 (2) (d) is incomplete and should be redrafted.

ee. The term “services” in s. DHS 110.35 (6) should be made singular.

ff. A space should be inserted between “provide” and “24” in s. DHS 110.40 (4). Also, hyphens should be inserted in the phrases “hour a day” and “day a week.” The remainder of the rule should be reviewed for this problem.

gg. In s. DHS 110.42 (2) (c), the word “a” should be stricken.

hh. A period should be inserted after s. DHS 110.45 (13).

ii. Section DHS 110.45 (17) should be redrafted to read: “Documentation that the ambulance service provider for the primary service area in which the event is located has approved the ambulance service provider who is outside its service area to provide event coverage within its primary service area.”

jj. In s. DHS 110.49 (1) (b), a comma should be inserted before the second occurrence of the word “current.”

kk. A period should be placed at the end of s. DHS 110.49 (2) (k).

ll. Throughout s. DHS 110.50 and s. DHS 110.51, the number “2” should be spelled out as “two.”

mm. In s. DHS 110.51 (1), it appears that the second-to-the-last occurrence of the word “or” should be deleted.

nn. Section DHS 110.52 (2) should state who is required to submit a completed form to the department.

oo. Section DHS 110.53 (2) and (3) would be clearer if redrafted and divided into paragraphs.

pp. In s. DHS 110.54 (2), the word “lied” should be replaced by the phrase “made a false statement.”

qq. The number “2” in s. DHS 110.54 (8) should be written out as “two.”

rr. The term “if” in s. DHS 110.57 (4) (b) should be changed to “is.”

ss. The term “effective” in s. DHS 110.57 (4) (c) should be changed to “effect.”

tt. Section DHS 110.58 (8) should be reworded to read: “The department may enter into an agreement with the person who is the subject of an enforcement action that stipulates the terms and conditions of the enforcement action.”

uu. The term “aggrieve” in s. DHS 110.59 (1) should be changed to “aggrieved.”