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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 11-019

#### 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

In the “statutory authority” and “explanation of agency authority” sections of the rule summary, the agency might focus its explanation on the statutes that specifically relate to continuing education for chiropractors, chiropractic radiological technicians, and chiropractic technicians, including ss. 446.02 (1) (b), 446.025 (3) (b), 446.026 (3) (b), and 446.028, Stats. In the “explanation of agency authority”, the agency should discuss how these statutes provide the agency with authority to promulgate the proposed rule.

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

- a. The introductory clause should be replaced with the following:

The Chiropractic Examining Board proposes an order to amend Chir 5.01 (title), (1) (a), (2) (a) and (b), and (3), 5.02 (1) (a), (c), and (e), and 5.03 (2); to repeal and recreate Chir 5.01 (1) (c), (d), (e), (f), (g), and (h); and to create Chir 5.01 (1g) and (1r) and 5.02 (1) (b) (title) and (bm), (2) (am), and (4) (a) 5m., relating to continuing education for chiropractors, chiropractic technicians, and chiropractic radiological technicians. [s. 1.02 (1), Manual.]

- b. The agency should include the “related statute or rule” heading, as described in s. 1.02 (2), Manual. If no information is included under the heading, the agency should note that under the heading.

- c. In SECTION 1, “credential” should be underlined because it is new material.
- d. In SECTION 2, “~~odd-numbered~~ even-numbered” should replace “even-numbered” if the agency intends to end the registration period in an even-numbered year.
- e. In the rule summary, the agency explains that it intends to repeal s. Chir 5.01 (1) (c) and (d) and renumber s. Chir 5.01 (1) (e), (f), (g), and (h). The agency should replace the treatment in SECTION 3 with the repeal of s. Chir 5.01 (1) (c) and (d). Then, in the following SECTION, the agency could renumber s. Chir 5.01 (1) (e), (f), (g), and (h). [The agency might also explain, in the rule summary, why the proposed rule repeals s. Chir 5.01 (1) (c) and (d).]
- f. In SECTION 6, “proceeding” should replace “preceding” in s. Chir 5.01 (2) (a) because “proceeding” is used in the existing rule.
- g. In SECTION 6, “credential” should be underlined on lines 2 and 5 of s. Chir 5.01 (2) (b) because it is new material.
- h. In SECTION 6, “14” should be underlined in s. Chir 5.01 (2) (b) because it is new material.
- i. In SECTION 6, “~~odd-numbered~~ even-numbered” should replace “even-numbered” if the agency intends to end the registration period in an even-numbered year.
- j. In SECTION 8, “United” should replace “Unites” because “United” is used in the existing rule.
- k. If titles are used in paragraphs, they should be used consistently in all paragraphs in a subsection. SECTIONS 9 and 10 create titles for two paragraphs in s. Chir 5.02 (1) but no other paragraphs in s. Chir 5.02 (1) have titles. [s. 1.05 (1), Manual.]
- l. In SECTION 12, “insure” should replace “ensure” because “insure” is used in the existing rule.
- m. In SECTION 12, “its” should be inserted before “compliance” because “its” is used in the existing rule.
- n. In SECTION 12, “~~par.~~ pars.” should replace “pars”. [s. 1.06 (2), Manual.]
- o. The effective date section should be labeled as a SECTION. [s. 1.02 (4), Manual.]
- p. The agency might consider including an initial applicability clause. [s. 1.02 (3m), Manual.]
- q. If the agency determines that the proposed rule has an effect on small business, it should include a final regulatory flexibility analysis, as described in s. 1.02 (6), Manual.
- r. The agency should include a fiscal estimate that meets the criteria described in s. 1.02 (7), Manual.

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

a. In the rule summary, “s.” should replace “ss.” where only one section is referenced. For example, in the description of SECTION 3, “s.” should replace the three “ss.” in that description. [s. 1.07, Manual.]

b. In the rule summary, “Chir 5.02 (1) (a)” should replace “Chir 5.01 (1) (a)” in the description of SECTION 8.

c. In the rule summary, “Chir 5.02 (1) (b)” should replace “Chir 5.01 (1) (b)” in the description of SECTION 9.

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

a. In the “statutes interpreted” section of the rule summary, “and” should be inserted before “446.07”.

b. In the rule summary, “chiropractors”, “chiropractic radiological technicians”, and “chiropractic technicians” should not be capitalized. [s. 1.01 (4), Manual.]