



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 13-061

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 November 2011.]

2. Form, Style and Placement in Administrative Code

a. The phrase “sedation permit classes”, defined in s. DE 11.02 (9m), does not appear elsewhere in ch. DE 11. As such, it may be more appropriate to define each permit class individually. Additionally, once a term is defined, it is unnecessary to use the substance of the definition throughout the rule. Instead, reference to the defined term is sufficient. [See, e.g., the sentences of ss. DE 11.05 (1), 11.06 (1), and 11.07 (1) that repeat some or all of the content that constitutes the definition of each permit class.]

b. The material in the Notes to s. DE 11.02 (9m) appears substantive in nature and may be better incorporated in the rule text, perhaps in ss. DE 11.06 and 11.07.

c. Given the goal of the rule described in the analysis, should the agency refer directly to disciplinary action or investigation as a qualification to permit issuance? Relatedly, what guidelines or policies will the agency use in its exercise of discretion to issue a permit in a situation involving discipline? If these guidelines or policies meet the definition of “rule” in s. 227.01 (13), Stats., they should be incorporated in the administrative code.

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

a. In s. DE 11.02 (9m) (a), (b), and (c), “do” should be replaced with “administer” or “utilize”.

b. In ss. DE 11.05 (1) and 11.06 (1), “does” is replaced with “meets”. The more appropriate verb to introduce the subsequent paragraphs is “does”.

