



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 13-065

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 November 2011.]

2. Form, Style and Placement in Administrative Code

a. As currently drafted, the amendment of s. Phar 18.04 (1) (b) and (e) should be revised so that each sentence, upon amendment, reads “...means the DEA registration number, or when the DEA number is not available,...”. However, the agency should consider whether the referral to “another identifier approved by the board” is an appropriate exercise of rule-making authority, as it appears to contemplate an action that meets the definition of “rule” under s. 227.01 (13), Stats., and therefore should be specifically referenced in the administrative code. Relatedly, the amendments of s. Phar 18.04 (3) (b) and (i) appear unnecessary, because, as currently drafted, the references to alternative identifiers are already included in the definitions of dispenser identifier and practitioner identifier.

b. The treatment described in SECTION 9 of the rule should be revised to consist of two separate SECTIONS; one SECTION to renumber and amend s. Phar 18.06 (7), and a second SECTION to renumber s. Phar 18.06 (8). However, is renumbering of these provisions necessary? [See s. 1.03 (5) (a), Manual.]

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

a. Section Phar 18.04 (3) (m) and (n) should be amended to strike the references to animal patients.

b. In s. Phar 18.05 (2), use the acronym ASAP only, and not the entire term, because the term is defined in the definitions section of the rule. [s. Phar 18.02 (13e).]

