



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 13-074

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 introductory clause should be written as follows, if comments b. and c., below, are adopted: “...to amend DE 12.01 (intro.), 12.02, and 12.03, relating to training of unlicensed persons”. [s. 1.02 (1), Manual.]

b. In the treatment clause in SECTION 2, “(intro.)” should be deleted. Section DE 12.02 does not contain an introductory sentence leadings to subparts. This comment also applies to the treatment clause in SECTION 3.

c. In the treatment clause in SECTION 3, the agency might consider amending s. DE 12.03 (and underscoring the subsection numbering added to the section), rather than renumbering and amending s. DE 12.03.

d. In SECTION 4, “EFFECTIVE DATE.” should be inserted after “SECTION 4.” [s. 1.02 (4), Manual.]

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

a. In the plain language analysis, “and functions” in the description of SECTION 1 should be replaced with “or function”.

b. In the plain language analysis, the agency should explain the addition of “remediable” to s. DE 12.02. It appears that the amendment is not described in the rule summary.

c. Section DE 12.01 (intro.) will become ungrammatical if the phrase “includes any of the following” is added at the end of the introductory sentence, as proposed, because subs. (1), (2), and (3) complete the introductory sentence. As an alternative, the agency could add “is any of the following” in s. DE 12.01 (intro.) and strike “Is” in subs. (1), (2), and (3). [See s. 1.06 (3), Manual, for instructions on how to amend the beginning of a sentence.]

d. Section DE 12.02, as amended, removes the word “first” and thereby, presumably, the requirement that the training be provided *before* the delegation of a dental procedure or function. If the agency intends to require training before the delegation, the rule should specify that training should be provided before the delegation.

e. Section DE 12.03 (1) was clearer in meaning in the original formulation. Does the agency intend to make any changes in the meaning? For instance, the new language could be interpreted to broaden liability exposure by requiring licensees to report delegation to a person lacking minimal competence in “any dental procedure or function,” rather than the more limiting phrase “the delegated procedure or function”.

f. Section DE 12.03 (2) would be clearer if the agency strikes “the circumstances”. In addition, “constitutes aiding and abetting” should be replaced with “aids and abets”, or similar language.