



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 15-087

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 December 2014.]

2. Form, Style and Placement in Administrative Code

a. The introductory clause should be phrased as a complete sentence, i.e. “The Medical Examining Board proposes an order to create chapter Med 24 relating to telemedicine.”. [s. 1.02 (1), Manual.]

b. In s. Med 24.02 (5), the phrase “shall not include” should be revised to read “does not include”.

c. In s. Med 24.09, the agency should revise the use of the phrase “may not be in-person”. Generally, the phrase “may not” is used to prohibit an action. [s. 1.01 (2), Manual.] However, that does not appear to be the agency’s intended result. Rather, it appears that the agency wishes to authorize the performance of a physical examination via telemedicine, under certain circumstances.

d. In s. Med 24.16 (2), the agency should select “shall” or “may” rather than “should”. [s. 1.01 (2), Manual.]

e. In s. Med 24.21 (2) and (9), would clarity be improved if the agency placed the phrase “treatments provided in” after “For”? Additionally, the agency should delete “but not limited to” after “including” in s. Med 24.21 (7). [s. 1.01 (9) (f), Manual.] More generally, given its applicability “whether or not the circumstances involve the use of telemedicine”, should the content of s. Med 24.21 be included in a chapter titled “Telemedicine”?

f. The agency should insert a comma after “questionnaire” and delete “a” after “or” in s. Med 24.22 (title). Additionally, it appears the content of s. Med 24.22 duplicates a portion of the content of s. Med. 24.09.

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

a. In s. Med 24.10 (2), the agency should clarify its expectation regarding the meaning of “available”. Should the agency specify a standard for response time?

b. In s. Med 24.12, to improve clarity, the agency could add a phrase such as “for the telemedicine encounter” after “medical record”.

c. In s. Med 24.16 (intro.), should “that” precede “meet” in the last sentence?

d. In s. Med 24.19 (intro.), how does the agency intend to determine whether patient access is “easy”?

e. In s. Med 24.20, could the agency identify the state and federal laws that prohibit financial interest in advertised or promoted goods or products?