



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Margit Kelley
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 15-099

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. Under the subheading “Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis”, the agency should include the “n/a” notation to clarify that it does not apply.

b. Based on the language of s. N 2.40 (3) (intro.) and (d) 1., does the agency create a situation where a credential holder who is renewing a credential that has been expired for more than five years must provide documentation of employment requiring a license within the last five years? Is this provision intended to force applicants to self-identify instances of unlicensed practice? If not, what is the agency’s intent regarding the combination of these provisions?

c. In s. N 2.40 (3) (d) 2., the agency refers to a “limited license”. The agency should indicate how such a license may be obtained, either via cross-reference or note.

d. Is there a rule provision that applies to reinstatement of a credential holder who has unmet disciplinary requirements, has not surrendered the credential or had it revoked, and who wishes to renew the credential within five years? Section N2.41 appears to apply only to credential holders with unmet disciplinary requirements who fail to renew within five years or whose credential has been surrendered or revoked. Should ch. N 2 contain a provision similar to s. Phar 5.04, as amended by CHR 15-081?

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

a. In SECTION 1, the treatment clause should be revised to read as follows: “Subch. V of N 2 is created to read:”. [s. 1.07 (2), Manual.]

b. In s. N. 2.41, the agency should add “s.” before “N 2.40 (3)” and should add “; Stats.” after “s. 440.12”.

c. In s. N 2.40 (2) (intro.), the agency refers to a “license”. Throughout the other provisions of the rule, the term “credential” or “expired credential” is used. Is it necessary to reconcile the use of these terms?

d. Because s. N 2.41 relates to reinstatement and licensees with unmet disciplinary requirements, is it necessary to use the phrase “if applicable” at the end of s. N 2.41 (2)? Under what circumstances would evidence of completion of disciplinary requirements be inapplicable?

e. As it relates to the use of the phrase “delegated act” in the proposed rule, should the agency identify the authorities responsible for the delegation? These authorities were identified in the existing s. N 6.02 (4) and (5), but only appear to be implied by context in the proposed rule.