



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 16-077

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. In general, the department should review the proposed rule in its entirety for appropriate use of strike-through and underscored text to depict removals and insertions of text. In particular, see SECTIONS 2, 7, 8, and 11. Common errors include the failure to underscore added commas, to strike-through deletions of “or”, and to underscore “physician assistant” when adding the latter term to the rule text. In SECTIONS 1 and 10, the order of strike-through and underscored text should be reviewed. [s. 1.06 (1), Manual.]

b. In SECTION 4, it is not necessary for the department to renumber s. DHS 133.02 (5m) to 133.02 (5r). When inserting new rule sections into existing provisions, it is generally best to avoid renumbering the existing rule sections or subunits. [s. 1.03 (5), Manual.]

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

a. In SECTION 6, the department should consider how a home health agency will determine whether an authority is a “nationally recognized subject authority” for the purposes of developing and implementing infection control measures as described in s. DHS 133.06 (5) (a). Currently, the rules permit a home health agency to use recommendations made by the U.S. Centers for Disease Control and Prevention, which is an easily identifiable source.

b. In SECTIONS 10 and 12, the department should change the semicolon at the end of the sentence to a period. When drafting rule text, all subunits of a rule should end with a period. [s. 1.03 (4), Manual.] The department should consider similar modifications to the semicolons in the subunits throughout ss. DHS 133.14 (2) and 133.21 (5) to comport with this change.