



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 17-098

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 the rule summary, a heading and entry should be inserted for the analysis and supporting documents used to determine the effect on small business. [s. 1.02 (2) (a) 9., Manual.]
- b. For each of the repealed and recreated chapters, a title for the chapter should be shown. Also, SECTION 21 of the proposed rule should be removed, as the title should be shown with the repealed and recreated chapter, rather than as an amendment.
- c. In s. SPS 160.015 (2) (a), (b), and (c), the abbreviation “Stats.,” should be inserted after each of the statutory citations.
- d. In s. SPS 161.03 (1) (d) 2. g., the citation should be formatted as “subpars. a. to f.”
- e. In s. SPS 161.03 (1), is par. (e) intentionally unused?
- f. In ss. SPS 161.06 (3) (intro.) and 161.07 (4) (intro.), insert the phrase “all of” or “any of” before “following content areas”. [s. 1.03 (3), Manual.]
- g. In ss. SPS 161.07 (2) and 161.08 (2), the abbreviation “s.” should be inserted after the word “under”.
- h. It appears that SECTION 15 of the proposed rule should be renumbered sequentially as SECTION 14, and the SECTIONS that follow should be renumbered accordingly. [s. 1.04 (1) (a), Manual.]

- i. The designation “SPS 162.01” is used twice, once for a section titled “Supervised practice requirement”, and once for the next section titled “Substance abuse counselor supervised practice”. The numbering for one or both of the sections should be revised.
- j. In the first s. SPS 162.01, the designation “s. SPS” should be inserted after the word “under”.
- k. In the second s. SPS 162.01, in sub. (2) (c), the abbreviation “par.” should be inserted before the reference to “(a) or (b)”.
- l. In ss. SPS 162.01 (5) and 162.02 (3), the text of the subunits should be reviewed and revised as appropriate to form complete sentences when read with the introductory material. For example, s. SPS 162.01 (5) (a) could be rewritten as “Supervising all activities...”. [s. 1.03 (3), Manual.]
- m. In s. SPS 162.02 (2) (b), the abbreviation “par.” should be inserted before the reference to “(a)”.
- n. In s. SPS 165.01 (2) (b), revise the abbreviation “ch.” to “s.”.
- o. In ss. SPS 166.02 and 168.02 (1) (a) 1., the parenthetical acronyms should be removed or moved to a Note. [s. 1.01 (6), Manual.]
- p. In s. SPS 168.01, the numbering designations for subs. (5) and (6) could be shown in bold text.
- q. In s. SPS 168.02, the introductory material for sub. (2) does not fit with the introductory material for the section. Consider dividing the section into two rule sections, with descriptive titles, or revising the introductory material in sub. (2).

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

- a. In s. SPS 165.02 (1), it appears that the cross-reference should be corrected. It seems duplicative that the evidence required in sub. (1) would require the evidence in sub. (3). Is this intended to refer to a different requirement? Also, the formatting should be corrected to conform to the prescribed style for an internal or external cross-reference. [s. 1.07 (2) (Table), Manual.]
- b. In s. SPS 168.01 (1), insert the phrase “Except as provided in sub. (5), and” at the beginning of the first sentence.
- c. In s. SPS 168.02 (2) (a) 1., revise the word “above” to identify the intended specific citation.

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

- a. In the rule summary’s explanation of agency authority, consider revising the word “shall” to “must”, in order to provide an indication that the explanation is paraphrasing rather than copying the statutory provisions.
- b. The rule summary’s plain language analysis contains multiple grammatical errors and should be edited accordingly. Some of the errors affect clarity, such as the final sentence in the description of SECTION 2. [s. 1.02 (2) (b), Manual.]

c. In the rule summary's plain language analysis of SECTION 13, the agency should review whether the description of requirements for the substance abuse counselor-in-training credential is correct. The other descriptions, like the rule, cite "the jurisprudence exam" while this one cites "an exam on Wisconsin laws".

d. The rule summary's plain language analysis of SECTION 14 misstates one of the requirements for the intermediate clinical supervisor or independent clinical supervisor credential. It cites the options to complete 30 hours of education in clinical supervision or to hold an intermediate clinical supervisor credential. The rule contains a third option, AAMFT certification, which is omitted in the description.

e. The rule summary's plain language analysis of SECTION 15 appears to have an incomplete list of the classes of individuals eligible for supervising a substance abuse counselor (add clinical supervisor-in-training) and a clinical supervisor (add correct description of eligible practicing physicians or psychologists from s. SPS 162.02 (1)).

f. The rule summary's plain language analysis of SECTION 24 states that college courses and employee-sponsored inservice trainings are accepted. To be more accurate, consider adding "up to 15 credits of" before "employee sponsored inservice trainings".

g. The new rule omits a phrase found in the current text of s. SPS 161.03. Under current rule, the provision begins with the phrase, "The department shall not grant any certificate under this chapter unless the applicant...". The rest of the requirements deleted from s. SPS 161.03 have been recreated under each credential separately, but this introductory phrase is omitted, which may alter the meaning. Consider creating an introduction similar to this phrase under each credential.

h. In ss. SPS 160.015 (2) (a) and (b) and 160.02 (2m), (3m), (11m), and (24m), add a comma after each second item in each list of three items.

i. In s. SPS 160.015 (2) (d), replace "of s. MPSW 1.09" with "under s. MPSW 1.09".

j. In s. SPS 160.015 (2) (e), revise the collective pronoun in the phrase "their credential". Some options are using the phrase "who is practicing within the scope of his or her credential", or creating a defined term for a "mental health provider" that would include practicing within the scope of his or her credential. Also, the phrase "with the non-substance use disorders of a person" is confusing and could be changed to "of the non-substance use disorders of a person".

k. In s. SPS 160.02 (2m), the word "Patient" should be plural.

l. In ss. SPS 160.02 (3) (h) and 168.02 (1) (e), a period should be inserted at the end of the text.

m. In s. SPS 160.02 (3m), consider rewriting the phrase "including for co-occurring medical and psychological disorders..." to more clearly specify the meaning.

n. In the treatment clause for SECTIONS 8 and 20 of the proposed rule, revise "is" to "are".

o. Did the agency intend to eliminate the display of credentials requirements under current ss. SPS 161.10 and 165.01 (1) (6)? They are not recreated in the proposed rule.

p. In ss. SPS 161.02 (1) (c) and 161.03 (1) (c), the intention of the agency is unclear regarding the evidence requirements that apply to an applicant who has previously passed the examination.

q. In ss. SPS 161.02 (1) (f) and 161.03 (1) (h), add a comma after each reference to “ch. SPS 162”.

r. In s. SPS 161.04 (4) (a), add the word “credential” after “active”.

s. In s. SPS 161.04 (4) (b), correct the word “and” to “an”.

t. In s. SPS 161.05 (4), add the word “of” before “clinical supervisory experience”, and change “the supervisor” to “a supervisor”.

u. In s. SPS 161.05 (4), it is unclear whether “the specialty authorization under s. MPSW 1.09” is an alternative to evidence of two years of clinical experience. Consider dividing the provision into separate paragraphs for “(a) experience” and “(b) specialty authorization”.

v. In s. SPS 161.08 (intro.), change “and the requirements for the credential is not lower than specified in this chapter” to “where the requirements for the credential are not lower than those specified in this chapter”.

w. In s. SPS 162.01 (2) (a) 2., 3., and (b), add the word “credential” after “substance abuse counselor”. Also, in par. (a) 3., add the word “a” before “clinical”.

x. In ss. SPS 162.01 (2) (c) and 162.02 (2) (b), correct “visual electronic conferencing” to “visual electronic conference”. Also, in the same provisions, correct “may fulfill part of requirements” to “may be used towards fulfillment of the requirements”.

y. In s. SPS 162.01 (3) (b), clarify or correct the phrase “as part of the a supervision session”. For instance, a suggested rewrite could be “even if such activity is part of a supervision session”.

z. In s. SPS 165.01 (2) (b), add the word “of” after “completion” and “required” after “continuing education”.

aa. At the beginning of s. SPS 165.01 (3) (b) 2., add a verb such as “completing”.

bb. In s. SPS 166.01 (1) (b), correct “indicate” to “indication of”.

cc. In s. SPS 166.01 (1) (c), consider revising the introductory material and the material in subd. 1 to follow the same structure as subds. 2. to 4. For example, par. (c) (intro.) could be rewritten as “Evidence that each instructor is one of the following:”, and subd. 1. (intro.) could be rewritten as “A credential-holder in good standing in any of the following:”.

dd. In s. SPS 166.01 (4), revise “resubmit” to “submit”.

ee. In s. SPS 166.01 (5), the word “competed” should be changed to “completed”.

ff. In s. SPS 168.01 (4), add the word “the” before “clinical substance abuse counselor credential”.

gg. The meaning of s. SPS 168.01 (5) and (6), taken together, is unclear and should be revised.

hh. In s. SPS 168.02 (intro.), change the word “are” to specify whether the programs “may be” or “shall be” approved, whichever is intended.

ii. In s. SPS 168.02 (1) (a) 2., the acronym “IC & RC” should be written out. The term does not appear to be defined elsewhere in the current rule or the proposed rule, and it is unclear to what it refers.

jj. In s. SPS 168.02 (2) (a), the intention of the agency as to repeat presentations is unclear. Which is ineligible: More than one presentation *on any topic* by the same presenter, or more than one presentation *of the same material* by the same presenter? Also, is the ineligibility for repeat presentations a lifetime ban, or only within the reporting period?

kk. In s. SPS 168.02 (2) (c) and (d), rewrite the material to follow the same structure as pars. (a) and (b). For example, “An author of a published textbook or professional resource book shall receive...”.