



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 19-136

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 caption for the proposed rule, it is not necessary to repeat the source designation “Jus” after the first identification in each type of treatment. For example, the repealed provisions could be listed as follows: “to repeal Jus 11.05 (3) (b) and (4) (a) 4. (Note), 11.06 (1) (c) and (d), and 11.08;”.

b. In s. Jus 11.01 (5) (gm), the created material should be shown without underscoring. The same comment also applies to s. Jus 11.04 (2) (dm), (2m), (3m), and (4m). [s. 1.055 (2), Manual.]

c. In SECTION 10 of the proposed rule, the treatment of s. Jus 11.05 (3) (intro.) and (a) should be moved into a separate SECTION with the following treatment clause: “Jus 11.05 (3) (intro.) and (a) are consolidated, renumbered Jus 11.05 (3), and amended to read:”. The text of the provisions should then be amended to merge the language together.

d. SECTIONS 14 and 15 of the proposed rule should be restructured and shown in three separate SECTIONS as follows:

SECTION __. Jus 11.06 (1) (intro.) and (a) are amended to read:

(1) ELIGIBLE PROVIDERS. Eligible providers of mental health treatment under this subchapter include any of the following individuals licensed by the state in which he or she practices:

(a) A ~~licensed~~ physician who has completed a residency in psychiatry.

SECTION __. Jus 11.06 (1) (b) to (d) are repealed.

SECTION __. Jus 11.06 (1) (e) to (i) are created to read:

- (e) A psychologist.
- (f) A marriage and family therapist.
- (g) A professional counselor.
- (h) A clinical social worker.
- (i) A qualified treatment trainee under clinical supervision as defined by s. DHS 35.03 (17m).

e. SECTION 17 of the proposed rule repeals and recreates s. Jus 11.06 (2) (c) with a wholly different focus, and re-uses the existing designation, which can cause confusion. Accordingly, consider separating the treatment into two actions: first, to repeal par. (c); and second, to create par. (d) for the new material. The created material should be shown without underscoring. [s. 1.055, Manual.]

f. SECTION 20 of the proposed rule creates s. Jus 11.07 (1) (a). However, drafting convention does not allow for a single paragraph, meaning that par. (a) should not be created unless there is also a par. (b). Drafting convention also requires an introductory statement in sub. (1) to explain the applicability and interaction of any subunits, with a statement such as “any of the following apply:”. In this case, it is not clear how the created material in par. (a) relates to sub. (1), or, in fact, how it relates to the language in s. Jus 11.07 (intro.). The placement of this material should be reviewed and revised for logical subject matter congruency and for grammatical consistency with any introductory statement. Also, is the second sentence in the created material intended to apply only to an applicant who was a child at the time of the personal injury, as referenced in the first sentence? The applicability of the second sentence should be specified. Lastly, a created provision should be shown without underscoring. [ss. 1.03 (1) and (3) and 1.055 (2), Manual.]

g. In s. Jus 11.09 (1) (d), the underscored period after the word “request” should be removed, and the period after the word “hearing” should be shown with underscoring, rather than a strike-through. The final period after the word “denied” should be shown without underscoring.

h. In s. Jus 11.11 (1), the period with a strike-through after the word “claim” should be removed and the final period should be shown without underscoring.

i. A clause should be inserted to provide the effective date for the proposed rule. Consider also whether an initial applicability provision is needed for the rule’s effects on eligibility and other procedures to which a person may already be subject. [s. 1.02 (3m) and (4), Manual.]

j. The rule caption’s listing of affected provisions should be updated to reflect any treatment revisions made in accordance with these comments.