



---

---

## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

---

---

**Scott Grosz**  
*Clearinghouse Director*

**Anne Sappenfield**  
*Legislative Council Director*

**Margit Kelley**  
*Clearinghouse Assistant Director*

### CLEARINGHOUSE RULE 20-039

#### 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.]**

#### 1. Statutory Authority

The statutory authority section should be revised to cite to the statutes that authorize promulgation of the proposed rule. Section 227.29, Stats., should be listed as a statute interpreted but not as a source of authority, since it does not authorize the promulgation of a rule but rather directs the department to perform an annual rule review. The department should generally review its statutory authority and should cite to the following as sources of authority for the proposed rule: ss. 49.02 (7m), 49.45 (10), 49.665 (3), 49.68 (2), and 51.44 (5) (a), Stats.

#### 2. Form, Style and Placement in Administrative Code

The plain language analysis should be revised to include a description of each substantive change made in the proposed rule. Currently, the plain language analysis only explains that the department drafted the rule in response to its annual rule review under s. 227.29, Stats. However, the purpose of the plain language analysis is to provide an understandable and objective description of the effect of the rule. [s. 1.02 (2) (b), Manual.]

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

a. In s. DHS 90.10 (5) (f) 4. a. and 5. b., the added text should be moved to the beginning of each of the subunits. The rule should read as follows: “At least 90 days but not more than 9 months before the child reaches age 3, prepare a written...”.

b. Review the rule generally to remove all instances in which “(s)” is used to indicate that the word may be singular or plural. [s. 1.01 (9) (e), Manual.]

c. Consider revising the title to s. DHS 103.04 (7) (d). As drafted, the title indicates that par. (d) applies to cases that are under 19 years old rather than to cases where the recipient is under 19 years old.

d. In s. DHS 103.04 (7) (d), consider clarifying what it means for a person’s eligibility to be determined with a parent. Does the parent have to approve of decisions that are made, or does the parent merely need to be present or informed of the decisions?

e. Section DHS 103.085 (3) (b) should be reorganized. Because par. (b), as amended, has only one subdivision, the text under subd. 1 should be incorporated directly into par. (b). [s. 1.03 (1) and (2) (f), Manual.]

f. Review s. DHS 105.16 (6) (a) (intro.), which appears to be missing a verb. Should the rule state that certification may be authorized if the listed individuals “are providing these services”?

g. Section DHS 105.22 (1) (bn) should be revised to refer to marriage and family therapist licenses issued under ss. 457.10, 457.11, and 457.14, Stats. The additional statutory references are necessary because the training and temporary licenses are not included in s. 457.10, Stats. Similarly, revise s. DHS 105.22 (1) (bo) to refer to professional counselor licenses issued under ss. 457.12 to 457.14, Stats.

h. Clarify the phrase “excluding holding a valid training or temporary license” in s. DHS 105.23 (1) (e). Consider adding a separate sentence, which states that providers holding training or temporary licenses may not be certified as outpatient alcohol and other drug abuse treatment providers.