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# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 22-070

### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]**

#### 1. Statutory Authority

In the analysis for the proposed rule, it appears that the listing of statutes interpreted should be revised to identify ss. 601.42 (1g), 609.94, 609.96, and 609.97, Stats. It also appears that the listing of statutory authority should be revised to identify ss. 609.94 (2), 609.96 (1) (b) and (2), 609.97 (2), and 623.04, Stats.

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

a. The rule caption’s listing of affected provisions should be grouped in the following order: to repeal Ins 9.08 (4); to amend Ins 9.08 (1) (intro.) and (4) (note); and to create Ins 9.08 (1m). [s. 1.01 (1) (b), Manual.] Also, s. Ins. 9.08 (1) should be identified more specifically as affecting the introduction, as shown in this comment and in the treatment clause for SECTION 1 of the proposed rule.

b. In the analysis for the proposed rule, the agency should insert a heading and summary for any comments received during a preliminary comment period or public hearing on the statement of scope. The agency should also provide a narrative explanation for the comparison with similar rules in adjacent states. [s. 1.01 (2) (a), Manual.]

c. Following the analysis for the proposed rule, consider removing the phrase “The proposed changes are:” and instead inserting a heading for “Text of Rule”.

d. In SECTION 1 of the proposed rule, amending s. Ins 9.08 (1) (intro.), the subsection title from the existing rule should be shown in the text. [s. 1.10 (2) (c) 3., Manual.]

e. The treatment clause for SECTION 4 of the proposed rule should be revised to include a reference to sub. (4) as follows: “Ins. 9.08 (4) (note) is amended to read”. The agency could alternatively consider revising the treatment of the note to instead renumber and amend it to s. Ins 9.08 (1) (note), to more closely follow the affected material. If the agency does so, the SECTION should be moved to follow SECTION 1, and the rule caption’s listing of affected provisions should be revised to identify the treatment as renumbering and amending the note.

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

a. In the analysis for the proposed rule, the agency should review and revise the placement of semicolons and periods in the explanation of authority to promulgate the proposed rule to provide more coherent sentence structure.

b. In SECTION 2 of the proposed rule, creating s. Ins. 9.08 (1), the reference to “sub.(1)(a)” should appear with spaces as “sub. (1) (a)”, and the reference to “sub.(1)(c)” should appear with spaces as “sub. (1) (c)”.

c. Also in SECTION 2, it is more conventional to specify that a Medicare- or Medicaid-only HMO *is not required to* include a special procedures opinion or audit opinion.

d. In SECTION 4 of the proposed rule, it appears that there is an extra space before “form” and before “may”. Also, the note should end with a period, as is shown in the current text.