



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 24-012

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.]

2. Form, Style and Placement in Administrative Code

- a. In the analysis for the proposed rule, provide a specific deadline for submitting comments, or describe how a reader could find that deadline, rather than stating “TBD”.
- b. In the treatment clause for SECTION 1 of the proposed rule, the citation to “1.01” should be corrected to “1.02”.
- c. In s. MPSW 1.02 (4), the phrase “is defined under” should be revised to “has the meaning given in”. [s. 1.07 (4) (a), Manual.]

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

- a. The “Statutes Interpreted” section of the analysis should reference “Chapter 457, Stats.”, instead of “Section 457, Stats.”.
- b. The material added to supervision requirements in ss. MPSW 2.01 (18), 10.01 (6), and 15.01 (3) in the proposed rule should more directly incorporate the definitions of “face-to-face” created in ss. MPSW 2.01 (10m), 10.01 (2), and 15.01 (1m), respectively, rather than using the term and only part of the created definition. Alternatively, delete the definitions of “face-to-face” created in the proposed rule, and instead modify the supervision requirements treated in the proposed rule to incorporate all of the substantive material proposed in the definitions of “face-to-face”, including mention of “real time video conferencing where all parties can communicate by simultaneous” means of audio, telephone, video, or data communications.

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

- a. The material created in s. MPSW 1.12 (1) is confusing. That subsection provides that a person “licensed or credentialed by the board” who uses telehealth must be “licensed to practice by the board”. A person “licensed or credentialed by the board” already seems to be “licensed to practice by the board”. Modify the material to reflect the intended purpose of this provision, or delete if it is not needed. For example, is the provision intended to specify a general requirement

that a person who provides diagnosis and treatment for a patient located in the state must be credentialed in Wisconsin? If modified and retained to reflect that intent, consider also noting that sub. (4) provides an exception to the general requirement to be credentialed in Wisconsin, by beginning sub. (1) with the phrase, "Except as provided in sub. (4),".