



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 24-029

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

References to “section 5 of 2021 Wisconsin Act 121” in the statutory authority, explanation of agency authority, and summary of factual data and analytical methodologies sections of the rule analysis should be changed to “s. 440.17, Stats.”.

2. Form, Style and Placement in Administrative Code

a. Use of the phrase, “as defined in s. Opt 1.02 (7m)” throughout the proposed rule is superfluous, as s. Opt 1.02 (intro.) states, “As used in chs. Opt 1 to 8:”, and SECTION 1 of the proposed rule creates the definition of “telehealth” within that section.

b. A period should be placed at the end of proposed s. Opt 5.20 (title).

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

The material created under proposed s. Opt 5.045 (4) is confusing. It appears to require that an optometrist provide notice to a patient that an appointment will be performed by telehealth, and then also requires that: “The patient shall be provided with the name and contact information of the telehealth provider.”. It is not clear whether the term “telehealth provider” refers to the means of accessing audio, video, or data communications, the optometrist themselves, or a different optometrist.