

**ADMINISTRATIVE RULES
REPORT TO LEGISLATURE
CLEARINGHOUSE RULE 06-076**

By the Department of Health and Family Services relating to ch. HFS 137, relating to prescribing forms for use by physicians, technicians, and tissue bank employees when removing organs and tissue, other than cardiovascular tissue from decedents.

Basis and Purpose of Proposed Rule

2005 Wisconsin Act 230 created s. 157.06 (9m), Stats., and required the department to prescribe by rule a form for use by physicians when removing an organ from a decedent under s. 157.06 (4m), Stats., and a form for use by physicians, technicians, and tissue bank employees when removing tissue, other than cardiovascular tissue, from a decedent under s. 157.06 (4m), Stats. Act 230 also required the department to appoint an advisory committee of organization personnel, tissue banks, and district attorneys to assist in developing the forms. Act 230 further required that the rule and forms be promulgated by emergency rules effective August 1, 2006.

With the help of the Secretary's Advisory Committee on Organ and Tissue Recovery, the department created the Wisconsin Organ and Tissue Recovery and Assessment (ORGAN-SPECIFIC) form and the Wisconsin Organ and Tissue Recovery and Assessment (TISSUE-SPECIFIC) form. These forms and the emergency rules became effective on August 1, 2006 as required by Act 230. The forms are attached to the proposed permanent rules that accompany this report.

Responses to Legislative Council Rules Clearinghouse Recommendations

The Department accepted the comments made by the Legislative Council Rules Clearinghouse and modified the proposed rule where suggested.

Final Regulatory Flexibility Analysis

The proposed rule does not affect small businesses.

Changes to the Analysis or Fiscal Estimate

Analysis

No changes were made to the analysis.

Fiscal Estimate

No changes were made to the fiscal estimate.

Public Hearing Summary

Under s. 227.23, Stats., public hearings are not required. Notwithstanding, s. 227.23, Stats., the Department accepted public comments on the proposed rules until August 11, 2006. No comments were received.