

Report From Agency

ADMINISTRATIVE RULES DEPARTMENT OF HEALTH SERVICES REPORT TO THE LEGISLATURE CLEARINGHOUSE RULE 09-115 CHS. DHS 117, 160, 253, and 172

Basis and Purpose of Proposed Rule

Chapter 227.11 (2) (a), Stats., provides state agencies with general rulemaking authority to promulgate rules interpreting the provisions of any statute enforced or administered by the agency if the agency considers it necessary to effectuate the purpose of the statute.

Similar to the legislature's need to periodically make corrections and minor revisions to the Wisconsin statutes, the Department must periodically make such revisions to the department's section of the Wisconsin administrative code and to its administrative rules. The changes made under this order are due to changes made to state law or rules and are intended to have little or no substantive effect on persons regulated by the rules.

The legislature, under 2009 Act 28, established a fee schedule for medical record copies under s. 146.83, Stats., which replaces the medical record copy fee schedule established by the department under ch. DHS 117. Under this order, the department repeals ch. DHS 117.

The legislature, under 2005 Act 25, transferred authority to regulate sanitarians to the department of regulation and licensing (DRL). DRL subsequently promulgated chs. RL 174 to 177 to regulate sanitarians. The department's rules for sanitarians are under ch. DHS 160. Under this order, the department repeals ch. DHS 160.

The legislature, under 2007 Act 20, repealed s. 49.79 (2) (a), Stats., the child support cooperation requirement for food stamp eligibility. The department's rules for implementing these requirements are under ch. DHS 253. Under this order, the department repeals ch. DHS 253.

The department of commerce repealed and recreated ch. Comm 90 (Clearinghouse Rule 08-056) which resulted in the renumbering of various sections of that chapter. Chapter DHS 172 includes cross-references to a number of sections in ch. Comm 90. In addition to inaccurate cross-references, the DHS 172 contains language in need of correction or clarification. Under this order, the department updates the cross-references, and revises language in ch. DHS 172.

Responses to Legislative Council Rules Clearinghouse Recommendations

The department accepted the comment(s) made by the Legislative Council Rules Clearinghouse and modified the proposed rule where suggested.

Final Regulatory Flexibility Analysis

The rules will not have a fiscal effect on businesses.

Changes to the Analysis or Fiscal Estimate

Analysis

“No changes were made to the rule’s analysis”

Fiscal Estimate

“No changes were made to the fiscal estimate”.

Public Hearing Summary

Under s. 227. 16 (2) (e), Stats., the department did not hold a public hearing. As permitted under s. 227. 16 (2) (e), Stats., the department issued notice to the public that the department intended to adopt the order as proposed without public hearing unless within 30 days after publication of the notice in the Wisconsin Administrative Register on January 1, 2010, the department is petitioned for a public hearing by 25 natural persons who will be affected by the rule; a municipality which will be affected by the rule; or an association which is representative of a farm, labor, business or professional group which will be affected by the rule. A petition for hearing was not received by the department.