

## RULEMAKING REPORT TO LEGISLATURE

### CLEARINGHOUSE RULE CR 19-092

Ch. DHS 131

#### **Basis and Purpose of Proposed Rule**

Prior to 2015 Wisconsin Act 55 ("Act 55"), hospices were required to submit a fee and plan of review to the Department of Safety and Professional Services (DSPS) for any capital construction or remodeling of structures owned or leased for operation of a hospice. Act 55 created s. 50.92 (3m), Stats., which assigned this responsibility to the Department of Health Services ("department") and directed the department to promulgate rules establishing a fee schedule for plan reviews. The department proposed to revise the rule to establish a fee schedule for plan reviews and to update, correct, or remove any outdated rule provisions or cross-references. In addition, the department proposes to update outdated standards relating to discharge planning, patient assessment, physician's orders, bereavement services and physical environment.

#### **Department Response to Legislative Council Rules Clearinghouse Recommendations**

The Department accepted the recommendations made by the Legislative Council Rules Clearinghouse.

#### **Final Regulatory Flexibility Analysis**

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The issues raised by each small business during the public hearing(s).

No issues were raised at the public hearing.

Any changes in the rule as a result of an alternative suggested by a small business and the reasons for rejecting any of those alternatives.

N/A

The nature of any reports and estimated cost of their preparation by small businesses that must comply with the rule.

N/A

The nature and estimated costs of other measures and investments that will be required by small businesses in complying with the rule.

N/A

The reason for including or not including in the proposed rule any of the following methods for reducing the rule's impact on small businesses, including additional cost, if any, to the department for administering or enforcing a rule which includes methods for reducing the rule's impact on small businesses and the impact on public health, safety and welfare, if any, caused by including methods in rules

N/A

#### **Changes to the Analysis or Fiscal Estimate/Economic Impact Analysis**

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Analysis

N/A

Fiscal Estimate/Economic Impact Analysis

N/A

#### **Public Hearing Summary**

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The department began accepting public comments on the proposed rule via the Wisconsin Legislature Administrative Rules website, and through the Department's Administrative Rules Website on 09/09/19. A public hearing was held on 09/26/19, in Madison, WI. Public comments on the proposed rule were accepted until 9/26/19.

**List of the persons who appeared or registered for or against the Proposed Rule at the Public Hearing.**

<b>Registrant</b>	<b>Position Taken</b> (Support or Opposed)
David Soens	Support
Michael J. Roberts	Support
Karen Lacke Carrig	Support
Kristen Weber	Neither
David Lintz	Neither
Jessica F. Tomczak	Neither

**Summary of Public Comments to the Proposed Rule and the Agency's response to those comments, and an explanation of any modification made in the proposed rule as a result of public comments or testimony received at the Public Hearing.**

Rule Provision	Public Comment	Department Response
	No public comments were received.	N/A



## Summary of Items Submitted with this Report to the Legislature

Below is a checklist of the items that are attached to or included in this report to the legislature under s. 227.19 (3), Stats.

Documents/Information	Included in Report	Attached	Not Applicable
Final proposed rule -- Rule Summary and Rule Text		X	
Department response to Rules Clearinghouse recommendations	X		
Final Regulatory Flexibility Analysis	X		
Changes to the Analysis or Fiscal Estimate/Economic Impact Analysis	X		
Public Hearing Summary	X		
List of Public Hearing Attendees and Commenters	X		
Summary of Public Comments and Department Responses	X		
Fiscal Estimate/Economic Impact Analysis		X	
Revised Fiscal Estimate/Economic Impact Analysis			X
Small Business Regulatory Review Board (SBRRB) statement, suggested changes, or other material, and reports made under s. 227.14 (2g), Stats. and Department's response			X
Department of Administration (DOA) report under s. 227.115 (2), Stats., on rules affecting housing			X
DOA report under s. 227.137 (6), Stats., on rules with economic impact of \$20 MM or more			X
Public Safety Commission (PSC) energy impact report under s. 227.117 (2), Stats. and the Department's response, including a description of changes made to the rule			X