

Report From Agency

RULEMAKING REPORT TO LEGISLATURE

CLEARINGHOUSE RULE CR 20-039

Ch. DHS 90, 103, 104, 105, 106, 107, 109, 152, 250, and 251

Basis and Purpose of Proposed Rule

The intent of the proposed rules is to repeal or amend rules that the department of health services ("the department") has identified as being in need of revision through the review process required under s. 227.29, Stats..

Department Response to Legislative Council Rules Clearinghouse Recommendations

The department accepted the recommendations made by the Legislative Council Rules Clearinghouse and has modified the proposed rules where suggested.

Final Regulatory Flexibility Analysis

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

The proposed rules will not have an economic impact on small businesses, and no small businesses appeared at the public hearing to identify an issue with the proposed rules.

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.

No small business identified alternatives or issues with the proposed rules. The proposed rules will not have an economic impact on small businesses.

The nature of any reports and estimated cost of their preparation by small businesses that must comply with the rule. No reports or estimated costs were prepared because the proposed rules will not have an economic impact on small businesses.

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

There are no estimated costs or anticipated other measures or investments for small businesses because the proposed rules will not have an economic impact on small businesses.

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.

None of those methods were contemplated because the proposed rule will not have an economic impact on small businesses.

Changes to the Analysis or Fiscal Estimate/Economic Impact Analysis

Analysis

The department modified the proposed rules to address the recommendations made by the Legislative Council Rules Clearinghouse. Additionally, the department made additional modifications to the proposed rules to correct an incorrect statutory reference. These modifications are as follows:

- statutory authority section was modified to more clearly cite to the statutes that authorize the proposed rule;
 - plain language analysis section was modified to include a description of each substantive change in the proposed rule;
 - universal change to remove all instance in which "(s)" is used to indicate that a word may be singular or plural;
 - DHS 90.10 (5) (f) 4. a. and 5. b. were modified to reorganize language for clarity;
 - DHS 103.04 (7) (d) was modified to clarify the applicable group and that the BadgerCare application must include the parents;
 - DHS 103.085 (3) (b) reorganized to incorporate subd. (1) directly into par. b.;
 - DHS 104.01 (3) was modified to update statutory reference from s. 146.48, Stats., to s. 146.81, Stats.
 - DHS 105.16 (6) (a) (intro.) modified to identify verb;
 - DHS 105.22 (1) (bn) modify to add references to s. 457.11 and 457.14, Stats.;
 - DHS 105.22 (1) (bo) modify to add reference to s. 457.14, Stats.; and
 - DHS 105.23 (1) (c) modify to clarify which providers holding a training or temporary licenses are excluded.
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Fiscal Estimate/Economic Impact Analysis

No changes were made to the fiscal estimate and economic impact analysis.

Public Hearing Summary

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 November 2, 2020. A public hearing was held on November 13, 2020, in a virtual conference call. Public comments on the proposed rule were accepted until November 13, 2020

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

Registrant	Position Taken (Support or Opposed)
No person attended the public hearing or submitted comments on the proposed rule.	

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 person attended the public hearing or submitted comments on the proposed rule.	

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