

Report From Agency

DEPARTMENT OF HEALTH SERVICES
Office of Legal Counsel
F-02113 (08/2017)

STATE OF WISCONSIN
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RULEMAKING REPORT TO LEGISLATURE

CLEARINGHOUSE RULE 20-067

Chs. DHS 12, 13, 36, 65, 92, 97, 98, 114, 125, 134, 143, 157, 190, 199

Basis and Purpose of Proposed Rule

The intent of the proposed rulemaking is to repeal or amend rules that the department of health services ("the Department") has identified being in need of revision through the review process required under s. 227.29 (1) and (2), Stats..

Department Response to Legislative Council Rules Clearinghouse Recommendations

The Department reviewed and accepted all of the recommendations from the Legislative Council Rules Clearinghouse. The proposed rule was revised as suggested by the Rules Clearinghouse, with the exception of sections 5.c, 5.f, and 5.g—all of which are being addressed through active or future rulemaking by the Department.

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 submitted public comment or 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 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 analysis sections to address the recommendations made by the Legislative Council Rules Clearinghouse. Specifically, the Department revised the "statutory authority" section to clarify the applicable statutory authority for each rule included in the proposed rule order. Grammatical and formatting errors were also corrected.

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 February 1, 2021. A public hearing was

held on February 12, 2021, in a virtual conference call. Public comments on the proposed rule were accepted until end of business on February 12, 2021.

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

Registrant	Position Taken (Support or Opposed)
Ramsey Lee – Hudson, WI	Neither

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