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VIA E-MAIL ATTACHMENT

DATE: March 31, 2023

The Honorable Stephen L. Nass, Senate Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 10 South, State Capitol
Madison WI 53707

The Honorable Adam Neylon, Assembly Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 125 West, State Capitol
Madison WI 53708

RE: Agency report pursuant to s. 227.29, Stats.

Dear Senator Nass and Representative Neylon:

On behalf of the Wisconsin Department of Health Services, enclosed please find a Report to the Joint Committee for Review of Administrative Rules, pursuant to § 227.29, Stats.

Sincerely,

A handwritten signature in cursive script that reads "Sandra M. Rowe".

Sandra M Rowe
Chief Legal Counsel
Wisconsin Department of Health Services

CC: Joint Committee for Review of Administrative Rules; Committee Clerk,
Adam.Field@legis.wisconsin.gov; Committee Clerk, Joe.Zapf@legis.wisconsin.gov.

Enclosure: Report to the Joint Committee for Review of Administrative Rules

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The following administrative rules were identified by the Department of Health Services, through the rule review process required under s. 227.29, Stats., and following receipt of a memorandum issued by the Legislative Reference Bureau to Senator Stephen Nass and Representative Adam Neylon on December 30, 2022, listing rules that may require revision.

Citation	Action
DHS 1.065 (1)(b) and (3)	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 10.13 (40m), 10.21 (3) (b), 10.33 (3) (c) 1., 10.42 (2), (3) (a) and (6) (b), and 10.73	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 34.02 (14) and 34.21 (3) (b) 18.	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 35.03 (1m) and (5) (a)	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 36.03 (8), (15), (30), (31), 36.10 (2) (e) 4., (g) 7., 8. a., 9., 20. and 22., 36.14, 36.16, 36.17 (5) (am), 36.18 (3) (f) 7m.	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 40.03 (38)	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 60.01 (10)	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 61.021 (5) (a), 61.11, and 61.12	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration

	on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 62.03 (1), (12) (a), (17), (21), (22), (24), 62.05 (2) (a) 1. a. and b., 62.06 (1), (2) and (4), 62.07 (1) (h), (5) (a) 1. c., 2. c., (b) 1. to 3., (d) 1. to 3., and (6) (c) 2. (intro.) and a.	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 63.06 (2) (c) and (4) (a) (9)	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
Chapter DHS 73, DHS 73.07 (1) (a)	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 75.03 (33), 75.07 (2) (e), 75.14 (4) (b), (6) (a) and (b), 75.15 (5) (b), 75.24 (11) (d) 6., 75.48 (2) (j) (table) 75.60 (6) (b),	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 82.06 (2m)	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 90.11 (6) (a) 7.	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 92.01 (1), 92.02 (7), (13) and (16), 92.03 (1) (g), 92.04 (11) (b) and (d), (15) (b) 1., 92.05 (1) (c), and 92.06 (2) and (note)	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 94.01 (1) 94.02 (24), 94.04 (5) (Note), 94.05 (4) (b) (Note), 94.42 (5) (a), 94.43 (1) (b), and 94.44 (6) (b) 1. a. and b.	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
Chapter DHS 96	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.

DHS 97.03 (2) (a), 97.04 (2) (a) and (b)	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 101.03	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 103.06 (4) (b) 1., (7) (a) 4., 103.063, and 103.065	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 104.01 (12) (a)	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 105.05 (2), 105.16, 105.17 (1c) (c), DHS 105.22 (3), 105.23 (2) (a), 105.25	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 107.02 (2m) (a), 107.11 (6), 107.08 (4) (a) 6., 107.09 (2) and (4), 107.10 (1) and (3), 107.11 (2) and (4)(e), 107.112 (1) (a), 107.113, 107.12 (1) (b) and (c), 107.13 (1) to (6), 107.16 (1) (a), 107.17 (1), 107.18 (1) (a), 107.19 (1), 107.21 (1) (a), 107.24 (1) (b) 2., (2) (a) 1. and 2., (b), (3) (h) 1., and (4) (c) 3., and 107.25 (1) and (2)	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 109.31 (1)	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 118.02 Appendix A	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.

DHS 120.03 (3), (19), 120.14 (3) (a) 9., 120.15 (2) (b) 7., and 120.31 (2) (a)	Broader revisions to Chapter DHS 120 are required. The Department's Division of Public Health is currently in the process of discussing and drafting a Statement of Scope which will amend/correct/repeal the rule chapter.
DHS 124.06	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 127.02 (3)	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 129.03 (3) (a) 2., (30m), 129.04 (3), 129.08 (4)	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 133.02 (9m), 133.05, 133.07 (1)	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 134.83 (7) (b) and 134.83 (8) (b)	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 157.51 (1) (a) 2.	This provision is being addressed through CR 22-015 , which was submitted to the Legislature in accordance with s. 227.19, Stats., on November 22, 2022.
DHS 163.10 (8) (c) 5. and 163.12 (3) (a) 1. e.	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
Chapter DHS 252	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.
DHS 254.04 (1) (d) 2. and 254.07 (1)	In accordance with s. 227.135 (2), the Department submitted an omnibus Statement of Scope to the Department of Administration on March 31, 2023, which proposes to amend/correct/repeal these rules.

In accordance with s. 227.29 (2) (b), the status of each rule listed in the Department's 2023 report not otherwise listed above is included below.

Citation	Action
DHS 10.13 (40m), 10.21 (3) (b), 10.33 (3) (c) 1., 10.41 (2), 10.42 (3) (a), (6) (b) and 10.62 (1) (b)., 10.71, and 10.73 (1).	The rule is currently undergoing amendments through CR 22-026 , which was submitted to the Legislature in accordance with s. 227.19, Stats., on October 24, 2022.
DHS 10.11 (7), 10.12 (8), 10.13, 10.21 (1), 10.23 (3) (a) 2. c, (6) (a), 10.32 (1) (a), 10.33 (2), 10.36 (1) and (2) (b), 10.42 (2), 10.43 (2), 10.44, 10.51 to 10.53, 10.55, 10.56, and 10.62, and 10.74	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 13.05 (4) (c)	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 40.07 (2) (a) 2.	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 73	The rule is currently undergoing amendments through CR 22-026 , which was submitted to the Legislature in accordance with s. 227.19, Stats., on October 24, 2022.
DHS 75.03 (9) (b) and (3) (a)	CR 20-047 , which took effect on October 1, 2022, repealed and recreated Ch. DHS 75 and addressed these rules.
DHS 82.06 (2m)	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 83.24 (3) (a) and 83.30	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 89.26 (3) (b) 2., 89.27 (3) (d), 89.29 (1m), 89.34 (12), 89.35 (3), 89.52 (1)	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 101.03 (1), (6), (7), (8), (15), (17r), (17t), (17w), (20), (23), (30), (38), (41), (52), (65), (78s), (94r), (95), (96), (97), (129m), (149m), (152m), (170s), and (172s)	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 102.01 (intro.), (1), (4), (5) (a), (b) and (h), (7), 102.03 (1), (3) (b), (c) and (d), and (f), 102.04 (1), (3) (c) and (d)	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .

DHS 103.01 (1) (a) and (b), 103.03 (1) (f), (2), (4), 103.04 (3) (b), (5), (6), (7) and (8) (b), 103.05 (1) (b) to (e), (5), 103.06 (15) (a) 2., 103.085, Table 103.085, 103.087 (1), Table 103.087, and 103.11	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 104.01 (12) (a) 1. b.	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 104.02	CR 20-039 , which took effect on November 1, 2021, amended this rule.
DHS 105.01 (3), 105.075, 105.34, 105.39 (4) (b) 2., 105.49	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 107.06 (3) (b) 1., 107.065 (2) (a), 107.09 (4) (L), 107.11, 107.112, 107.113, 107.12, 107.13, and 107.24	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 107.30 (3) (b)	CR 20-039 , which took effect on November 1, 2021, repealed this paragraph and the accompanying note.
DHS 108.02 (9) (d), (10) (intro.) and (d), (11), (12) (a) 2., 4. and 5., (f) 2., and (15), and 108.03 (4)	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 116.02 (2), (3), (4), (11), (12) and (13), 116.04 (1), (2) (a) (intro.), 1. and 2., (b), (c), (3) and (Note), (4) and (5) (c) and (d), 116.03 (11), and 116.04 (3) (a), (4) and (5) (d).	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 118.02 (2) (a) to (c), (e), 118.03 (11) (13), (14), (16) (g) and (h), (25) (intro.), (a), and (b), (28) to (30), 118.06 (3) (b) 1. a. (Note), and 118.07 (1) (a) to (c), and 118.09	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 124.09 (6) (b) and 124.39 (3) (b)	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .

DHS 132.13 (4)	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 134.13 (9), 134.52 (2) (c), and 134.68 (2)	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 150	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 153.02 (17)	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 163.03 (61) and 163 Appendix D	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 182.03 (8) and (10)	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .
DHS 251.03 (6)	Amendment/correction/repeal of these rules is being pursued through SS 038-21 .