



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 21-050

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

1. Statutory Authority

The rule summary’s explanation of agency authority lists two citations that are not included in the listing of statutory authority, and the explanation of agency authority simply identifies the citations without narrative explanation. The listing of statutory authority and explanation of agency authority should be reviewed and revised to consistently and accurately cite the same statutory authority, and a narrative explanation of that authority should be added.

2. Form, Style and Placement in Administrative Code

In the treatment clause for SECTION 1 of the proposed rule, the paragraph designation “(a)” should be inserted after the subsection designation “(3)”.

5. Clarity, Grammar, Punctuation and Use of Plain Language

2019 Wisconsin Act 186 provides that the department must act on a CRT prior authorization request within 10 working days of receiving complete, clinically relevant written documentation necessary to make a determination, but the proposed rule provides that the department or its fiscal agent must act on a CRT prior authorization request “from the receipt of all information necessary to make the determination.” Should the rule language more closely mirror the statutory language, as is indicated was done in the rule summary’s plain language analysis?