



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 21-080

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 agency’s plain language analysis for the proposed rule mentions 2019 Wisconsin Act 143, but the rule should also include s. 440.09 (5), Stats., created in that act, as a source of statutory authority.

2. Form, Style and Placement in Administrative Code

a. In the caption for the proposed rule, the listing of the treated provisions should be grouped in the following order: to amend; to repeal and recreate; and to create. [s. 1.01 (1) (b), Manual.]

b. In s. Psy 1.02 (6m), the period after the word “welfare” that is shown with a strike-through should be removed.

c. In s. Psy 2.01 (3) (a), the period after the word “located” that is shown with a strike-through should be removed, and the final period should be shown without underscoring.

d. In s. Psy 2.14 (1), the old text should be removed and the text of the repealed and recreated language should be shown without underscoring. [s. 1.04 (5) (b), Manual.]

e. In s. Psy 4.017, subsection titles should be inserted for subs. (5) and (7), for consistency. Also, in sub. (6), the format of the title should be small capital letters, rather than all capital letters. [s. 1.10 (2) (a) 2. and (b) 3., Manual.]

4. Adequacy of References to Related Statutes, Rules and Forms

a. In s. Psy 1.02 (11), the cross-reference to the definition of “Practice of psychology” should be to s. 455.01 (5), Stats., instead of s. 445.01 (5), Stats.

b. Should the material in s. Psy 2.10 (intro.) specify that the licensure is for “licensure as a psychologist” so it is clear the requirements do not apply to licensure as an interim psychologist?

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

a. In s. Psy 2.013 (5), the plural reference to “applicants” and the grammatical structure of the sentence should be changed to the singular form, for consistency with other singular references to an “applicant” in that chapter, and to conform to current drafting conventions. [s. 1.05 (1) (c), Manual.]

b. The definition of “day” created in s. Psy 2.14 (1) is confusing, and could be read to mean that distinct parts of a day in which psychological services are rendered count as multiple days for the purposes of s. Psy 2.14, even though those distinct parts took place during a single calendar day. Consider retaining the current definition of “working days”.

c. The material in s. Psy 4.017 (7) should include a comma after “2019 Stats.”. Also, the word “and” could be removed for clarity, or a cross-reference to s. 455.04 (4), Stats., could be included.