



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 22-001

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.]

2. Form, Style and Placement in Administrative Code

a. In SECTION 1 of the proposed rule, when material is deleted and other material is inserted in the same location, show all of the stricken material, then the new underscored material. [s. 1.04 (4) (a) 2., Manual.] Thusly, “, 201, 203 and 204” should be preceded by the stricken material “~~to 202~~”. This correction should be made in SECTION 2 as well.

b. Numerous treatments in SECTIONS 2 and 5 of the proposed rule should be reviewed for consistency with ss. 1.04 (3) (c) and 1.10 (3) of the Manual. Briefly, it is recommended that an agency avoid renumbering provisions merely to fill gaps caused by repeal or to address the prior insertion of new material. The numbering of material in SECTION 6 of the proposed rule will also be affected if the agency maintains its current organization structure of s. SPS 201.01.

c. Section SPS 203.03 should be revised to avoid the use of “and” between subs. (1) and (2). Also, is s. SPS 203.03 (3) accidentally omitted, or should subs. (4) and (5) be renumbered as subs. (3) and (4)?

d. Is the text beginning each of s. SPS 203.03 (2) (a) to (f) intended to be a title or introductory material? Sections 1.10 and 1.11 of the Manual should be reviewed for proper formatting and use of titles and introductory material.

e. In s. SPS 203.03 (5), it is unnecessary to include the phrase “of this section”.

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

a. In various locations in the proposed rule, the term “person” is used where it appears that the rule is referring to individuals. [See SECTION 8, in particular.] The term “person” refers to human beings and to nonhuman entities, such as corporations or governmental bodies. It does not appear that the rule is intended to apply to corporate entities, therefore, the use of the term “individual” appears appropriate. [s. 1.08 (1) (i), Manual.]

b. In s. SPS 203.01 (2), could the agency instead write, ““Medical setting” means any interpretation situation involving the diagnosis, treatment, or prevention of illness or injury, not including a mental health treatment setting.”, as the latter term is defined in s. SPS 203.01 (3)? Or, does the agency intend to limit the exclusion only to “treatments” as that specific term is used in s. SPS 203.01(3) (a) to (g)? If the latter, the agency may wish to use more specific references, because the word “treatment” is only used in s. SPS 203.01 (3) (c) and (g).

c. In SECTION 8, under s. SPS 203.03, the proposed language states that “Only persons who hold an active qualified equivalency from the Alabama Department of Deaf Services may provide sign language interpretation services in a mental health treatment setting.”. The next sentence then describes the criteria for those who do not hold the qualified equivalency to provide services in a mental health setting. This appears to contradict the preceding sentence. As it appears that there are circumstances under which individuals who do not hold the qualified equivalency may practice in a mental health setting, it also appears that the word “Only” should be eliminated from the beginning of the sentence or the phrase “without submitting additional documentation” should be added to the end of the sentence for the sake of clarity.