



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 22-050

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

a. In the rule summary’s listing of statutory authority, it appears that the board should add a citation to s. 440.09 (5), Stats. Similarly, in the listing of statutes interpreted, it appears that the board should add a citation to s. 440.09, Stats.

b. SECTIONS 3 and 4 of the proposed rule, creating s. HAS 6.07 (1) (c) and (2) (c), specify that a reciprocal license for a service member or spouse may be “renewed indefinitely”. However, s. 440.09 (3), Stats., specifies that a reciprocal credential for a service member or spouse expires on the applicable renewal date (unless the renewal date is within 180 days after a reciprocal license is granted), and that renewal is subject to the fees and requirements that apply for renewing the credential. The board should revise the renewal provision to conform with the statutory requirements.

2. Form, Style and Placement in Administrative Code

a. In the board’s summary for the proposed rule, entries should be inserted for the analysis and supporting documents used to determine the effect on small business, and for the fiscal estimate and economic impact analysis.

b. The rule summary’s listing of the deadline to submit comments should specify the date of the public hearing or how a reader could determine that date, rather than referring only generally to a “date to be determined”.

c. In SECTION 1 of the proposed rule, amending s. HAS 4.03 (1), the 1996 ANSI standard that was incorporated by reference is updated to the 2018 ANSI standard. Materials may, in certain circumstances, be incorporated or updated with the consent of the Attorney General. The rule summary should be revised to include a comment on compliance with that requirement. [s. 227.21 (2) (a), Stats.; and s. 1.14, Manual.]

d. In SECTION 1 of the proposed rule, amending s. HAS 4.03 (1) (Note), the text should be revised to accurately reflect the current text of the Note, and all proposed changes should be

shown with striking and underscoring. Additionally, inserted, underscored material should appear in sequence after stricken material. [s. 1.04 (4) (a), Manual.]

e. In the treatment clause for SECTION 2 of the proposed rule, the reference to “HAS 6.04 (b)” should be changed to “HAS 6.04 (6) (b)”.

f. In SECTION 2 of the proposed rule, which states that it is amending s. HAS 6.04 (6) (b), the text is shown without any striking or underscoring. It appears that the board intended to remove the second sentence (“A certificate of clinical competence in audiology granted by ASHA is considered equivalent.”), in order to remove the option of a certificate of clinical competence as an educational equivalent. If so, the sentence should be shown with strike-throughs.

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

In SECTIONS 3 and 4 of the proposed rule, creating s. HAS 6.07 (1) (c) and (2) (c), it appears that a person seeking the reciprocal license would be required to submit an application form. Accordingly, a note referencing the availability of the form on the website, and a link address, should be inserted following both subs. (1) (c) and (2) (c), to assist those who submit an application under these provisions. [s. 1.12 (3), Manual.]

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

a. In SECTIONS 3 and 4 of the proposed rule, creating s. HAS 6.07 (1) (c) and (2) (c), consider revising the phrasing to consistently use the singular form. As proposed, the phrasing uses both singular and plural forms to refer to the same person, within the same sentence. [s. 1.05 (1) (c), Manual.]

b. In SECTIONS 3 and 4 of the proposed rule, creating s. HAS 6.07 (1) (c) and (2) (c), consider revising the phrase “under the appropriate credential granted by the department or credentialing board” to instead specifically identify practice as a speech-language pathologist in sub. (1) (c) and as an audiologist in sub. (2) (c).

c. In SECTIONS 3 and 4 of the proposed rule, creating s. HAS 6.07 (1) (c) and (2) (c), the meaning of the phrase “renewed indefinitely” is not clear. Does this mean that a person may renew the reciprocal license without limit on the number of renewals, based only on the initial reciprocal credential, but is still subject to fees and a renewal schedule? Or that a person will be issued a reciprocal license that is valid indefinitely and is not subject to a renewal application? If the provision regarding indefinite renewal is revised in response to the statutory authority comment, above, in a manner that resolves these questions, the board may disregard this comment.

d. In SECTION 4 of the proposed rule, creating s. HAS 6.07 (2) (c), it appears that the reference to a speech-language pathology license should be revised to refer to a license to practice audiology, to be consistent with the subject matter of sub. (2).