



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 22-058

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, consider eliminating the duplicative phrase “all licensees”, which appears after the phrase “a licensee”. Generally, it is preferable to use the singular form of a word and use the plural only when specifically referring to multiples of the word used. [s. 1.05 (1) (c), Manual.] This comment also applies to the use of “all persons” in the proposed text of s. HAS 6.15.

b. In SECTION 2 of the proposed rule, the provision should create only s. HAS 5.015, without sub. (1), and the subsection title “Telehealth.” should be removed. Subunits should be used only when there are multiple subunits. [s. 1.07 (2) (b) 2., Manual.]

c. The following comments apply in SECTION 3 of the proposed rule:

- The agency should review and revise the treatment of s. HAS 5.02 (2) (g). The provision states that it is creating sub. (2) (g), but that provision already exists in the text of the current rule. Did the agency intend to repeal and recreate par. (g)? Or should the new text be created as a new paragraph, such as par. (i)?
- The proposed rule skips the numbering of s. HAS 5.02 (3) and creates s. HAS 5.02 (4). Because the current administrative code does not contain a rule numbered sub. (3), and that number does not appear to have previously been used, the agency could consider numbering this proposed rule as s. HAS 5.02 (3).
- In s. HAS 5.02 (4), the subsection title “Wisconsin license required.” should be removed, as the other subsections in s. HAS 5.02 do not use titles. [s. 1.10 (2) (a) 2., Manual.]

d. The rule caption’s listing of provisions treated in the proposed rule should be updated to reflect any changes made in response to these comments. The agency should also review and update the caption, altogether, for accuracy. The caption currently lists the creation of ss. HAS 5.018, 5.02 (1m), and 6.18 (2) (y), (4), and (5), which are not created in the text of the proposed

rule, and does not list the creation of s. HAS 5.013, 5.02 (4), or 6.15, which are created in the text of the proposed rule.

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

a. The agency's listing of statutory authority in the analysis for the proposed rule includes s. 459.34 (2) (h), Stats. However, this citation is not included in the current text of s. HAS 5.01, which provides the current rule's statement of authority. To be more consistent and complete, the agency could consider amending s. HAS 5.01 to add a citation to s. 459.34 (2) (h), Stats.

b. In SECTION 2 of the proposed rule, the proposed text includes a citation to s. 440.01, Stats., but the Note refers more specifically to sub. (1) (hm) of that provision. Consider revising the proposed text to be similarly precise.

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

a. In SECTION 1 of the proposed rule, a comma should be inserted after both instances of the source designation “, Stats.”.

b. The following comments apply in SECTION 2 of the proposed rule:

- A comma should be inserted after “In this chapter”.
- The word “telehealth” that appears inside the quotation marks should not be capitalized.
- The source designation “, Stats.” should be inserted for the reference to s. 440.01, Stats.
- In the Note, a comma should be inserted after the source designation “, Stats.”.

c. In SECTION 4 of the proposed rule, a comma should be inserted after the source designation “, Stats.”.