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CLEARINGHOUSE RULE 99-159

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. The rule does not comply with minimal drafting format and style set forth in Part I of the Manual. While in some cases it is possible to determine what the rule intends to accomplish and how it affects current rules, in other cases that is not possible because of the failure to follow basic drafting format and style. Therefore, it is not possible to provide complete comments in this Clearinghouse report; it is suggested that the rule be redrafted in its entirety, following the provisions of the Manual.

b. General examples of failure to follow standard drafting format and style include:

- (1) Absence of an introductory clause. See s. 1.02 (1), Manual.
- (2) Failure to provide a plain language analysis of the rule; the analysis provided explains why the rule is being promulgated but not what it does. See s. 1.02 (2), Manual.
- (3) Absence of treatment clauses. See s. 1.04, Manual.
- (4) Failure to properly show the amendment of rules by underscoring and striking. See s. 1.06, Manual.

The following comments are offered to assist in the redrafting of the rule:

c. Can s. Ph-Int 1.02 (1) (d) be redrafted as follows: “A pharmacist licensed in another state who has applied to become licensed in Wisconsin”? Should the provision be more specific? Compare proposed s. Ph-Int 1.02 (1) (e).

d. The slash between “school” and “college” in s. Ph-Int 1.02 (1) (e) should be replaced by “or.”

e. Section Ph-Int 1.02 (3) should be treated before s. Ph-Int 1.02 (4). In sub. (3), it appears that “exception, internship registration may be granted” can be replaced by “or.”

f. In s. Ph-Int 1.02 (7), the comma after “May 31” should be deleted.

g. In s. Ph-Int 1.02 (8), the parenthesis currently included in the subsection should be deleted.

h. In s. Ph-Int 1.02 (11), consideration should be given to replacing “should be” by “shall” if that is the intent; retention of “should be” raises questions about whether there is a deadline.

i. The proposed new language of s. Ph-Int 1.03 (1) is awkward. It appears that reference should be made to “having” completed an out-of-state pharmacy internship and “having” met the pharmacy internship board requirements of this state.

j. In s. Ph-Int 1.03 (2) (g), the use of “concurrently” does not reflect current wording of that paragraph.

k. Is s. Ph-Int 1.04 (1) intended to cross-reference s. Phar 7.01, in its entirety or, rather, sub. (3) of that section?

l. Section Ph-Int 1.05 should indicate who grants the credit.

m. Section Ph-Int 1.06 (2) should indicate what the “state’s pharmacist licensure cycle” is or should include an appropriate cross-reference to an administrative code or statutory provision that states the cycle.

n. In s. Ph-Int 1.06 (3), it appears that “valid” is unnecessary.

o. In s. Ph-Int 1.06 (4) (a), the clause “or at the discretion of the director of pharmacy internship with the advice (not “advise”) of the pharmacy internship board” is incomplete; to what does it refer?

p. In s. Ph-Int 1.06 (4) (c), it is suggested that “full-time” be deleted, along with the parentheses, and that the provision refer to current practice as a registered pharmacist “averaging 32 or more hours weekly . . .” (if that is the intended meaning). Again, the clause “or at the discretion of the director of the pharmacy internship board with the advise (sic) of the pharmacy internship board” is incomplete.

q. In s. Ph-Int 1.06 (d), reference to sub. (4) is missing from that citation. The provision should specifically indicate where the continuing education requirements are stated in rule or statute.

r. Again, the reference to s. Ph-Int 1.06 (e) fails to include the subsection reference. In the second sentence of that paragraph, as set forth in the rule, “for” appears to be an unnecessary addition.

s. In s. Ph-Int 1.07 (1), the definitions should be placed in a separate subsection and drafted in appropriate format. In the third sentence of that subsection, it appears that “as approved” is unnecessary.

t. Should current s. Ph-Int 1.07 (6) be amended to include reference to “pharmacy internship learning site”?