



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 02-007

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. In s. DWD 55.04 (3) (b), the comma following “persons” in the first sentence should be underscored.

Also, the period at the end of the last sentence should not be underscored. This comment also applies to ss. DWD 55.05 (2) and 55.08 (5) (i), (7) (b) and (8) (a) 2. and 5.

b. In s. DWD 55.04 (5) (a), the period at the end of the last sentence should be stricken.

c. In s. DWD 55.04 (7) (b) 2. c., “~~for~~” should immediately follow “orientation.”

d. In s. DWD 55.04 (7) (b) 2. d., the phrase “, recertification, or a provider move to a new location” should follow the stricken-through material.

e. In s. DWD 55.04 (7) (b) 2. h., the word “a” should be inserted before the phrase “criminal history.”

f. In s. DWD 55.05 (1), “employee” should be replaced with “~~employe~~ employee.” Also, “non-client” should be replaced with “nonclient” to reflect the rule’s current text.

g. In s. DWD 55.05 (2), the phrase “is denied, revoked, or not renewed” should follow the word “~~information.~~”

h. In SECTION 18, “, as renumbered, is” should be inserted in the treatment clause following “and.” Also, the order of SECTIONS 18 and 19 should be reversed.

i. In SECTION 23, the treatment clause should read “DWD 55.08 (1) (b) 1. is renumbered DWD 55.08 (1) (b) 2. a. and, as renumbered, is amended to read:” and the text of SECTION 27 should be placed in SECTION 23.

j. In s. DWD 55.08 (1) (b) 1., “regular” and “provisional” are placed in parentheses, but earlier in the chapter they are separated by commas. The drafter should use one style.

k. Section DWD 55.08 (1) (b) 2. must include introductory text for the subsequent subdivision paragraphs. Also, “(intro.)” should be inserted at the end of the citation.

l. In s. DWD 55.08 (2) (e) (intro.), “;” should be inserted after “children” in the last sentence.

m. In the table for s. DWD 55.08 (6), an asterisk should be inserted before the footnote to the first part of the table. Also in that footnote, the comma following “adopted” should be underscored. In the second part of the table, the headings need to be realigned.

n. In SECTION 42, the treatment clause should read: “DWD 55.08 (8) (a) 4., 5. and 6. are renumbered DWD (8) (a) 5., 6. and 7. and, as renumbered, DWD 55.08 (8) (a) 5. is amended to read:” and the text from SECTION 43 should be placed in SECTION 42.

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

a. In s. DWD 55.05 (2), a period should be inserted after “5.”

b. In s. DWD 55.08 (7) (f), “par.” should be replaced with “paragraph.”

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

a. On the second page of the analysis, the word “for” in the second line should be replaced by the word “from.”

b. In s. DWD 55.02 (4m), “and” should be deleted.

c. In s. DWD 55.04 (6) (c), it would be helpful if a cross-reference or note were included to indicate where information about department-approved certification training could be obtained.

d. In s. DWD 55.04 (7) (b) 2. h., the phrase “separate from” is not clear in that it suggests that perhaps there must be a physical separation between persons cared for under separate licenses. Perhaps the text could be modified to indicate that the applicant holds a separate license or certification to care for children or adults.

e. In s. DWD 55.04 (9), “county” in the second sentence should be stricken or a reference to tribal agencies should be inserted.

f. Section DWD 55.05 (3) provides that certification may be denied, suspended, revoked or nonrenewed. Section DWD 55.06 (4) provides for an appeal process if a certification is denied, suspended, revoked, or nonrenewed. Presumably, the appeal process in s. DWD 55.06 (4) applies to the actions taken under s. DWD 55.05 (3). If so, s. DWD 55.06 (4) should clearly specify any provision in ch. DWD 55 to which it applies.