



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 02-026

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.]

1. Statutory Authority

a. Section OT 1.02 (13) and (14) include “a program approved by the world federation of occupational therapy” under the definitions of “occupational therapist educational programs” and “occupational therapy assistant educational program.” The world federation of occupational therapy is not listed in s. 448.963, Stats., as a body that approves educational programs. Under what authority is the board expanding the types of educational programs that satisfy licensure requirements?

b. It does not appear that the board has the authority under s. 448.965, Stats., to exempt from written examination an occupational therapy assistant who graduated prior to 1977. [See s. OT 2.04.] Is authority located elsewhere in the statutes?

2. Form, Style and Placement in Administrative Code

a. The paper copy of the order does not contain the required plain language analysis providing an understandable and objective description of the rules, chs. OT 1 to 5. The electronic version has only a three-line description of the rule.

b. The definition of “board” in s. OT 1.02 (2) means “the occupational therapy affiliated credentialing board,” while ch. 448, subch. VII refers to the “occupational therapists affiliated credentialing board.” It appears that the word “therapy” in the rule definition should be changed

to “therapists” to conform to the term used in the statutes. In subs. (8) and (9), “is” should be changed to “means.”

c. In s. OT 2.02 (1) (b), “as defined in s. OT 1.02 (13),” and “as defined in s. OT 1.02 (14)” should be deleted. Section OT 1.02 (intro.) applies the definitions to all five chapters that are created.

d. In s. OT 2.03 (2) (intro.), the phrase “meets any of the following criteria” should be added at the end of the sentence.

e. In s. OT 2.03 (6), the first “will” should be “shall.”

f. In s. OT 2.05 (7), “shall not” should be “may not.”

g. In s. OT 3.06 (1) and (2), the word “must” should be changed to “shall.”

h. Section OT 5.02 (intro.) should be rewritten to read: ““Unprofessional conduct” means doing, or aiding or abetting, any of the following:”.

i. In sub. (7), “tends to” should be changed to “may.” In sub. (11), “can” should be changed to “may” and “such” should be changed to “this.”

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

a. In s. OT 1.02 (8), it is unclear what types of activities are included in the definition of “Level I fieldwork.”

b. Section OT 2.02 (1) should specify to whom the applicant must submit the application information. This section should also specify how or where an application form may be obtained.

c. In s. OT 2.02 (3), it is unclear why an application is not complete until the board receives a verification of certification from the national board, because sub. (1) (b) authorizes an applicant to submit evidence that the applicant is certified by the national board *or* that the applicant has completed the occupational therapist educational program.

d. In s. OT 2.03 (2) (e), the word “been” should be deleted. In sub. (2) (f), it is unclear whether a court determination of negligence in the practice of occupational therapy is intended, or a determination of an examining board.

e. In s. OT 2.03 (3), it is unclear what is meant by a “regular” license.

f. In s. OT 2.03 (4), it appears that “written or oral” should be inserted after “All.”

g. In s. OT 2.03 (5), the word “Where” should be changed to “If.” In sub. (6), it is unclear how an applicant is “found eligible” for examination. Is an applicant “found eligible” for examination if the application is complete? This phrase should be clarified.

h. Section OT 2.03 (7) states that applicants “who have been treated for alcohol or drug abuse or impairment” or “who have been treated for an acute or chronic psychological impairment” may be required to take an oral examination, but these specific criteria are not contained in the list of applicants that may be required to complete an oral exam under sub. (2). The same criteria should be used in each subsection.

i. In s. OT 2.05 (1), what is the amount of the “required fee”? In sub. (2), it would be helpful if contact information were included in the rule. Subsection (4) would be clearer if the phrase “a tape of” were inserted before “oral examination.”

j. In s. OT 2.06 (1), it appears that the phrase “by the applicant” should be inserted after “reviewed.”

k. In s. OT 2.07 (1) (b), is an “approved school” a school that has an educational program as specified under s. OT 2.02 (1) (b)?

l. In s. OT 3.06 (2) (e), how many points are earned under this paragraph?

m. In s. OT 4.02 (1) (d) and (3) (f), screening results and recommendations are transmitted to “all appropriate persons.” It is unclear who “all appropriate persons” are.

n. In s. OT 4.03 (1), “assistant” should replace “assistance.”

o. In s. OT 4.03 (3), the last comma should be changed to a period. In sub. (4), it appears that the first occurrence of the word “therapy” in the last sentence should be changed to “therapist.” In sub. (3) and (4), the word “When” is used at the beginning of both subsections; however, it is unclear under what circumstances “close supervision” is required or “general supervision” is allowed. It would be helpful if sub. (3) included the phrase “under sub. (5)” after “required.” In sub. (6), what is an “experienced occupational therapy assistant”?

p. In s. OT 5.02 (3), it appears that the word “thing” should be changed to “item.” In subs. (4), (5), (6), (8) and (12), it appears that the phrase “any license” should be changed to “an occupational therapist license or occupational therapy assistant license.” In sub. (7), “of client or public” should be “of a client or the public.”

q. In s. OT 5.02 (19), “18 years of age” should replace “the age of majority.”