



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 02-124

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 October 2002.]

1. Statutory Authority

Are the changes made by SECTIONS 2 and 8 consistent with the requirements of s. 455.065 (3), Stats.?

2. Form, Style and Placement in Administrative Code

a. The department’s analysis states that the rules make “minor” revisions to existing rules “to remove inconsistencies and correct oversights.” The rules also make substantive changes and the “minor” nature of some of the revisions is not obvious. For example, s. Psy 1.02 (3) is amended to provide that the term “client” includes students when teaching services are provided. Ordinarily, students would not be considered a “client.” What is the purpose of revising “client” in the manner proposed? As another example, the department’s analysis of SECTIONS 18 and 19 fails to alert the reader that substantive changes are being made to the definition of “unprofessional conduct.” It is suggested that the analysis be reviewed to determine where it might be appropriate to provide a more complete analysis.

b. In the treatment clause of SECTION 5, the “11.” preceding “(b)” should be deleted. In the last paragraph of the text treated by SECTION 5, “11.” should be deleted.

c. In the treatment clause of SECTION 6, “(a) 11.” should be deleted.

d. SECTION 13 creates two new paragraphs in s. Psy 4.02 (2). The proposed paragraphs are not consistent with the introductory clause of that subsection. It is suggested, instead, that s. Psy 4.02 (3) be created with a title such as “CREDIT FOR TEACHING AND PUBLISHING.”

The introductory clause of that subsection could be “Continuing education credit may be granted for any of the following:” with par. (a) containing the material relating to teaching and par. (b) containing the material relating to publishing.

e. The treatment of s. Psy 4.02 (4) is awkward. Could the first sentence be rewritten as follows?--“Applicants for renewal shall certify their attendance at required continuing education, but are not required to submit certificates of attendance unless the board requests them to do so.”

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

a. The department’s analysis to SECTION 5 indicates that requirements for post-graduate supervised experience are repealed. It is not clear where in SECTION 5 those requirements are repealed.

The analysis also indicates that the rule “prevents” one person from supervising both pre- and post-doctoral experience. However, the rule says that the experience “should be” under the direction of one licensed psychologist. [See s. Psy 2.09 (3) (a) 2. and 3.] The use of “should” in drafting is not permitted. The mandatory or optional intent of the language should be clarified. Similarly, the word “must” should be replaced by “shall” in several provisions.

b. The department’s analysis of SECTIONS 12, 14, 15, and 18, appears to contain typographical errors--the clauses are not separated by semicolons as throughout the rest of the analysis.

c. In s. Psy 2.01 (12), to what continuing education requirements does the subsection now refer? See the comment under statutory authority, above. Also, the stricken comma should be retained.

d. In s. Psy 3.07 (1), there is still a reference to “grade”; should that also be changed to “score”?

e. In s. Psy 4.03 (2), it is not clear why reference is made to “including completion of continuing education” when the rule is further revised to specifically require applicants under the subsection to have completed the specified continuing education. Note that the stricken language should continue through the comma and “the”; following the stricken “the” an underscored period and “The” should be added.