



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 04-025

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.]

2. Form, Style and Placement in Administrative Code

a. In s. HFS 36.03 (7), delete everything after the first sentence. This is substantive material that should not be included in the definition. The additional provisions may be placed elsewhere in the rule.

b. In s. HFS 36.03 (12), the notation “chs.” should be replaced by the notation “ch.”

c. In s. HFS 36.03 (16), a period should be inserted after the number “1.”

d. In s. HFS 36.05 (3) (f), the acronym “HIPAA” is used without first being defined. Insert the full term prior to using the acronym.

e. In s. HFS 36.05 (5) (b), the notation “subs.” should be replaced by the notation “sub.”

f. In s. HFS 36.065 (2) (f) 4. and 5., syntax should be corrected for purpose of parallel structure.

g. In s. HFS 36.10 (2) (d) 1., the word “are” and the second occurrence of the word “from” should be deleted in order to make this provision structurally parallel to the remaining subdivisions.

h. In s. HFS 36.10 (2) (g) 8., the note is substantive and should be placed in the text of the rule. Also, for purposes of parallel structure, subd. 20. should be rewritten to read: “A

rehabilitation worker, meaning a staff person working...at least 21 years old, shall have successfully completed...and shall meet any one of the following requirements:”.

i. Section HFS 36.14 (2) (a) and (b) are excessively long. Each of these paragraphs should be broken into smaller subdivisions.

j. In s. HFS 36.15 (1), the notation “ss.” should be replaced by the notation “s.”

k. In s. HFS 36.16 (2) (c), the notation “ch.” should be inserted before each reference to “HFS 75.”

l. In s. HFS 36.16 (4) (c), the phrase “‘Family involvement’ refers to” should be replaced by the phrase “In this paragraph, ‘family involvement’ means.”

m. In s. HFS 36.16 (7) (b), the last sentence should be placed in a note to the rule.

n. In s. HFS 36.18 (3) (e) 1., it appears that the second sentence is a separate item that should be numbered as subd. 2., with the remaining subdivisions renumbered accordingly.

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

a. The following comments apply to the analysis:

1) In the second heading, the word “Finding” should be replaced by the word “Findings.”

2) In the first sentence of the small business analysis, the word “effect” should be replaced by the word “affect” and in the last sentence the word “a” should be inserted before the word “component.”

3) In the analysis of Minnesota regulation, what is meant by the phrase “by getting the necessary language”?

b. In s. HFS 36.02 (1), insert “and” after “department” and change “is” to “are.”

c. In s. HFS 36.02 (4), the word “elders” should be defined. At what age does a person qualify as an elder?

d. In s. HFS 36.03 (15), delete the word “and” on the third line, replace the period after “disorders” with a comma, insert the word “and” prior to the word “developmental,” and do not capitalize the word “developmental.” In addition, delete the phrase “is also excluded” on the last line.

e. Section HFS 36.03 (20) is confusing. The punctuation could be better used to clarify the categories of individuals referred to as parents in this paragraph. For example, put a semicolon after the terms “biological parent” and “adoptive parent” and use semicolons to separate the rest of the definition into categories of males who may be adjudicated the father of the child.

f. In s. HFS 36.05 (1) (b) (intro.), delete the word “one” in the second line. In s. HFS 36.05 (1) (b) 2. (intro.), a complete sentence should be used prior to the concluding phrase. In addition, in s. HFS 36.05 (1) (b) 6. and 7., full sentences should also be used so the syntax is consistent among all of the subdivisions.

g. In s. HFS 36.05 (2), insert the phrase “if any,” after “operational policies” in the fourth line, since it is implied in s. HFS 36.04 (2) (c) that operational policies are optional.

h. In s. HFS 36.05 (3) (b), how do “quality improvement activities” give input?

i. In s. HFS 36.07 (3) (a), the comma following the phrase “addiction treatment” should be replaced by the phrase “or a.”

j. In s. HFS 36.09 (3) (b), the word “a” should be inserted before the phrase “membership list.”

k. In s. HFS 36.10 (2) (a), the description of prohibited discrimination is not consistent with the description contained in s. HFS 36.13 (4).

l. In s. HFS 36.10 (2) (e), no qualifications are listed for mental health professional and substance abuse professional functions, as they are listed for all other functions. Is this an oversight?

m. In s. HFS 36.10 (2) (g) 8., the terms “mental health nurse practitioner” and “clinical specialist” should be plural and the word “is” in the third line should be changed to “are.” Also, a semicolon should replace the comma following the phrase, “American Nurses Credentialing Center.”

n. In s. HFS 36.10 (2) (g) 14., it appears that the word “who” should be replaced by the word “shall.”

o. In s. HFS 36.10 (2) (g) 16., clarify the identity of the Wisconsin Certification Board.

p. In s. HFS 36.10 (2) (g) 20. d., replace “Be fluent in the” with “Fluency in a.”

q. In s. HFS 36.10 (3), it is not clear from the text how a volunteer will be supervised by a staff member.

r. In s. HFS 36.11 (3), are the staff members referred to in this subsection providing the supervision? If so, this should be specified.

s. In s. HFS 36.12 (1) (b) 11., the phrase “shall be provided” should be deleted.

t. In s. HFS 36.12 (1) (c), in the last sentence of the introductory paragraph, insert the word “training” after the term “in-service.”

u. Section HFS 36.13 (1) (d) should be restated using the active voice.

v. In s. HFS 36.14 (3) (a), it should be made clear that s. HFS 36.16 (3) and (4) are an alternative to s. HFS 36.16 (5).

- w. In s. HFS 36.15 (1) (a), it appears that the word “that” should be deleted.
- x. In s. HFS 36.16 (2) (a), the provision would be clarified if a cross-reference to the requirements of the assessment process were included.
- y. In s. HFS 36.16 (5) (a) (intro.), should the cross-reference be expanded to include sub. (4)?
- z. In s. HFS 36.16 (7) (a) 1., it appears that the final occurrence of the word “or” should be replaced by the word “and.”
- aa. In s. HFS 36.17 (1), how can the written service plan be completed within 30 days of the consumer’s application for services when s. HFS 36.16 (2) (a) requires that the assessment be completed within 30 days of receipt of an application for services?
- bb. In s. HFS 36.18 (3) (e) (intro.), delete the period after “information” and replace it with a comma, and do not capitalize the word “including.”