



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 04-040

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. Several items from the Transmittal to Legislative Council Rules Clearinghouse are not included in the analysis in the proposed order, but should be included since they are helpful to readers. Among them are the reasons for the rule, intended effects, requirements, and names and phone numbers of agency contacts.

Enclosed is an April 13, 2004 memorandum from Ronald Sklansky that sets forth a helpful template for agencies to follow in preparing the analysis of rules.

b. In s. HFS 10.13 (1) (intro.), “any of the following” should be inserted after “means.”

c. In s. HFS 10.13 (3m), “as defined in sub. (1)” should be deleted. Similarly, “as defined in paragraph (1)” should be deleted from sub. (28).

d. In s. HFS 10.13 (25m), the term “infirmities of aging” is used, despite the fact that the term is repealed in SECTION 5 in the rule. Use of this term should be deleted.

e. In the first line of SECTION 7, “1. Benefits counseling” should be deleted.

f. SECTION 35 repeals s. HFS 13.05 (7) (b) 2. Since this leaves only one subdivision, s. HFS 13.05 (7) (b) 1. should be renumbered s. HFS 13.05 (7) (b).

g. All of the Web site locations in notes should be preceded by “http://www.”

h. In SECTION 68 of the rule, the term “Supportive Living” is stricken-through and the term “Disability and Elder Services” is underscored. However, this Note was previously revised, so this addition is not necessary.

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

a. In SECTION 39 of the rule, and in several other SECTIONS, specific references to chs. Comm 61 to 65 were deleted and replaced with a reference to the “Wisconsin Commercial Building Code.” It is preferable to have specific references to rules so that the reader may find the code provisions. Another alternative would be to retain the references to the code chapters and also add the term “the Wisconsin Commercial Building Code.”

b. In SECTION 48 of the rule, s. HFS 54.01 (3) (em), which is being renumbered in that SECTION, does not exist.

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

a. In SECTION 4 of the rule, the term “grievance” appears to include both grievances and appeals. However, in several parts of the rule, such as in SECTION 7, the term “complaint and grievance processes” is changed to “grievance and appeal processes.” Is it necessary to include “appeals” with “grievances,” since appeals are included in the definition of grievances?

b. In SECTION 28 of the rule, and s. HFS 10.54 (3), why are references made only to s. HFS 10.55 (1) (d) to (g)? It seems appropriate to reference other paragraphs in that subsection.

c. In the last sentence of s. HFS 54.04 (2) (j), and elsewhere in the rule, “Residents who” should replace “Residents that.”

d. Section HFS 54.02 (3m) (e), sexual abuse is referred to in addition to physical abuse. However, sexual abuse is encompassed in the statutory definition of “physical abuse.” In addition, the remainder of that paragraph repeats verbatim the statutory definition of “neglect.” Section HFS 54.02 (3m) (e) could be more concisely worded as follows: “The subject of a court finding that the person has abandoned his or her child or has inflicted physical abuse or neglect on the child.” The same comment applies to s. HFS 59.08 (5).

e. In s. HFS 55.42 (2) (a) 11., “Sudden Death Syndrome” should be lowercase. Also, should “infant” be inserted after “sudden”?

f. In s. HFS 55 Appendix B, footnote d, “of nuts” should replace “Of nuts.”

g. In SECTION 66 of the rule, the new material in the parentheses should be placed immediately after the word “discharge” and before the comma. In addition, an additional parenthesis should be inserted at the end of that material.

h. In s. HFS 124.08 (3) (a), a period should be inserted at the end of that paragraph in place of “; and”.

i. In s. HFS 124.15 (4) (a), the comma after the word “Drugs” should be deleted.