



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 04-044

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

There is no indication whether the requirements of ss. 457.02 (5m) and 457.03 (1), Stats., concerning considerations and advice, respectively, have been met. This should be stated in the analysis.

2. Form, Style and Placement in Administrative Code

a. The department’s analysis conveys no context for the rule. For example, how does the rule differ from the current rule? Why is the rule being changed?

b. Should an initial applicability provision be considered? For example, when and to whom is the rule first intended to apply?

c. In the comparison with existing or proposed federal regulation, it would be helpful to provide a citation to the federal regulation being summarized.

d. Acronyms appear in the rule but are not defined. [See s. 1.01 (8), Manual.]

e. In s. MPSW 1.09 (1) (b), “shall” should replace “must.”

f. In s. MPSW 1.09 (2) (intro.), “all of the following” should be inserted before the colon.

g. It is suggested that MPSW 1.09 (4) be redrafted along the following lines:

(4) QUALIFIED SUPERVISORS. For purposes of sub. (2) (b), any of the following may supervise face-to-face client counseling experience by credential holders:

(a) A supervisor qualified under s. HFS 75.02 (11).

(b) Any of the following, if knowledgeable in psychopharmacology and addiction treatment:

1. A licensed marriage and family therapist.

2. A licensed professional counselor.

3. A licensed clinical social worker.

4. A licensed psychologist.

5. A licensed physician.

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

a. In the department's analysis, reference to 2001 Wisconsin Act 80 is unnecessary given that the current statutes incorporate the provisions of Act 80.

b. Section MPSW 1.09 (2) (c) (intro.) refers to a publication of the Department of Health and Human Services. Section 2.08, Manual, should be reviewed regarding incorporation of standards by reference. Also, a note should be inserted that indicates where a person may view or obtain a copy of the publication.

c. In MPSW 1.09 (3), both references to "sub. (2) (a), (b) and (c)" should be simply to "sub. (2)." That reference includes pars. (a), (b), and (c).

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

a. Both the department's analysis and the rule refer to treatment of alcohol or substance dependence or abuse "as a specialty." What it means to treat "as a specialty" is undefined. Is it mere treatment or, as the use of "as a specialty" suggests, is it something more than mere treatment? Clarification is in order.

b. In the first paragraph of the department's narrative analysis, first sentence, "they are" should be deleted. Does the last sentence of that paragraph accurately reflect the provisions of s. 1.09 (1) (b)?

c. In the third paragraph of the department's analysis, it appears that "in order to be" should replace "that are."

d. The meaning of the first sentence of the fourth paragraph of the department's analysis is unclear.

e. The fifth paragraph of the department's analysis is unclear.

f. In s. MPSW 1.09 (1) (c), are the first and second sentences repetitive or is a different meaning intended? Clarification is in order.

g. In s. MPSW 1.09 (2) (c) 3. c., is “chance” the right word?

h. In s. MPSW 1.09 (2) (c) 4. f., should “crisis” be in the plural?