



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 06-002

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 January 2005.]

2. Form, Style and Placement in Administrative Code

a. In s. Ins 17.28 (6) (L) 2., the underscoring of the colon following “July 1, 2006” should be eliminated. [See s. 1.06 (5), Manual.]

b. The effective date provision is designated as “SECTION 3.” However, it follows SECTIONS 1 to 4.

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

a. In the analysis, the statutes interpreted provision also should refer to s. 655.61, Stats., since the rule changes the mediation fund fees.

b. The last paragraph of item 5. of the analysis acknowledges that there is a requirement in s. 655.61, Stats., that the amount of the mediation fee be based on the recommendation of the Director of State Courts. However, the analysis does not indicate that the amount proposed as the mediation fee is based on that recommendation. Rather, it indicates that the amount is the funding level recommended by the Board’s Actuarial and Underwriting Committee. If the amount was based on the recommendation of the Director of State Courts, a statement should be included to that effect.

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

a. Throughout the analysis, “fund” and “Fund” are used interchangeably. One term should be used consistently.

b. In the third sentence of item 9. of the analysis, “physician’s pay” should be changed to “physicians pay” and “effected by” should be changed to “affected by.” In addition, a comma should precede “therefore.”

c. The fourth sentence of item 9. of the analysis indicates that the Fund “identified a few small businesses which meet the definition of small business”--which presumably are distinct from the single shareholder corporations described in the second and third sentences. The fourth sentence should better explain what type of entity is being referred to.

d. In the last sentence of item 10. of the analysis, “to it patients” should be changed to “to its patients.”

e. In the last sentence of item 11. of the analysis, “effected” should be changed to “affected” and “no effect to” should be changed to “no effect on.” In the title of item 11., “description” is misspelled.

f. In s. Ins 17.28 (3) (c) 1., “Otology – no surgery” is not inserted in alphabetical order.

g. In s. Ins 17.28 (3) (c) 1., “Otology – no surgery” and “Rhinology – no surgery” are both inserted with code “80247.” Is this correct?

h. In s. Ins 17.28 (3) (c) 2., “Diabetes – minor surgery,” “Laparoscopy,” and “Laparoscopy (D.O.)” are not inserted in alphabetical order. Also, “Surgery – Neoplastic” is listed twice. The second listing should be deleted so that “Surgery – Nephrology” will be inserted in alphabetical order.

i. In s. Ins 17.28 (3) (c) 2., should “Radiation Therapy” be designated as “Radiation Therapy – other than lasers” since “Radiation Therapy – lasers” is already included?

j. In s. Ins 17.28 (6) (e) 2., “physician who practices 1040 hours or less” should be changed to “physician who practices at least 500 hours but no more than 1,040 hours.” Unless this change is made, there will be an overlap with s. Ins 17.28 (6) (e) 1. which refers to a “physician who practices fewer than 500 hours.”

Also, in s. Ins 17.28 (6) (e) 2., “during a fiscal year” should be changed to “during the fiscal year” to be consistent with s. Ins 17.28 (6) (e) 1.