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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 07-041

#### 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**

Section HFS 107.07 (3) (intro.) should conclude with a colon.

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

a. In the rule preface discussion of Minnesota law, the phrase “emergency order” should be replaced by the phrase “rule-making order.”

b. Some of the comments in the plain language analysis seem to contradict some of the proposed rule provisions. Specifically, the plain language analysis states that in a prior proposal, Clearinghouse Rule 05-033, the department did not intend to remove the requirement for prior authorization for orthodontia and other services. It further states that in this rule order, the department intends to revise rules to clarify the department’s intent to require prior authorization for orthodontia and other services provided under early and periodic screening, diagnosis, and treatment (EPSDT) services.

However, SECTION 3 of the rule repeals the prior authorizations requirement for orthodontia services, and the proposed revisions to s. HFS 107.07 (4) (j) indicate that orthodontic services are no longer covered services under MA.

Are the revisions to s. HFS 107.22 (4) meant to encompass the provision of orthodontic services for children, as well as the prior authorization required for coverage of those services, even though orthodontia is not specifically mentioned? Could this be made clearer, perhaps by retaining coverage for orthodontia under MA, but requiring prior authorization?