



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 09-005

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

a. In the “Statutes interpreted” section of the rule preface, the reference to s. 448.40 (1), Stats., is improper. This statute gives the Medical Examining Board authority to promulgate rules and should be referenced under the “Statutory authority” section.

b. The “Statutes interpreted” section of the rule preface should also refer to s. 448.04 (1) (i) 3., Stats.

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

The statute referenced in s. Med 20.055 (1) (b) should be clearer and match what is listed in the statutes. While the reference to “s. 440.05, Stats.,” is consistent with s. Med 20.05 (1) (b), the reference should be stated as “s. 440.05 (1) (a), Stats.”

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

a. There is a typographical error in the last line of page 1, under the “Plain language analysis” section of the rule preface. The phrase “makes its easier” should be replaced with “make it easier.”

b. A prescription drug labeling act, 2005 Wisconsin Act 195, is referenced in the rule preface section titled “Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report.” It is unclear why this Act would have any

relationship to an administrative rule regarding certified respiratory care certification. Is this reference correct? If not, this reference should be removed.

c. The “Fiscal estimate” states that there will be a total one-time salary and fringe cost estimate of \$3,500 and a total ongoing salary and fringe cost of \$600. The fiscal estimate prepared by the Department of Regulation and Licensing for 2007 Assembly Bill 413, creating s. 448.04 (1) (i) 3., stated that there would be no state fiscal effect. The major assumptions that led to this calculation should be provided. [See s. 1.02 (7) (a) 3., Manual.]

d. Section Med 20.055 (1) and (2) refer to an applicant certified in “another jurisdiction.” The statutes, however, refer to an applicant certified in “another state.” [See s. 448.04 (1) (i) 3., Stats.] The term “jurisdiction” may have a different meaning than “state.” The language should be consistent with the statute. [See s. Med 20.056 (1) (e).]

e. Section Med 20.055 (1) (a) refers to an application form. A reference to how this form may be found, as done in the notes section of s. Med 20.03, should be included. [See s. 1.08 (2), Manual.]

f. In s. Med 20.055 (1) (c), the entity “National Board for Respiratory Care Certified Therapy Technician” should not be capitalized. [See s. 1.01 (4), Manual.]