



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 09-107

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 SECTION 1, “~~medicare~~” should be inserted before “Medicare” in s. DHS 105.01 (6).
- b. In SECTION 2, “a” should be inserted after “be” in s. DHS 105.17 (1c) (intro).
- c. In SECTION 2, “a₂” should replace “a₂” in s. DHS 105.17 (1c) (d).
- d. In SECTION 2, the period at the end of s. DHS 105.17 (1c) (e) should not be underscored.
- e. In SECTION 2, the period at the end of s. DHS 105.17 (1c) (f) should be underscored.
- f. In SECTION 3, “recipient client” should replace “client” in s. DHS 105.17 (1e) (b) 3.
- g. In SECTION 7, the following should replace the SECTION treatment: “DHS 105.17 (1) (h), (i), (j), and (k) are renumbered DHS 105.17 (1n) (b), (c), (d), and (e) and are amended to read:” [See s. 1.04, Manual.]
- h. In SECTION 12, “~~in~~ In” should replace “In” in the first line of s. DHS 105.17 (1n) (f).
- i. In SECTION 12, “(fm)” should replace “(fm)” in s. DHS 105.17 (1n). The SECTION treatment should read: “DHS 105.17 (1) (p) is renumbered DHS 105.17 (1n) (f) and amended to read:”.

- j. In SECTION 16, “and amended to read:” should be inserted at the end of the SECTION treatment. [s. 1.04, Manual.]
- k. In SECTION 16, the period at the end of s. DHS 105.17 (1n) (a) 1. should not be underscored. [s. 1.06 (4), Manual.]
- l. In SECTION 22, s. DHS 105.17 (1w) (g) and (h) Note do not appear in the proposed rule.
- m. In SECTION 25, it appears that “1.” should be inserted before “2.” in the SECTION treatment. A corresponding change should be made in the introductory clause.
- n. In SECTION 25, “service” should replace “services” in s. DHS 105.17 (2) (b) 1.
- o. In SECTION 28, it appears that “(1n)” should replace “(1p)” in s. DHS 105.17 (3) (a) 1.
- p. In SECTION 32, the period at the end of the title in s. DHS 105.17 (4) should not be underscored.
- q. It appears that SECTION 35 should be separated into the treatment for s. DHS 105.17 (4) (a) to (f) and for s. DHS 105.17 (4) (h) and (i) and that the treatment of SECTION 34 should be inserted between those two SECTIONS.
- r. In SECTION 39, the comma following “Stats.” should be underscored.

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

- a. In the statute interpreted section of the rule summary, “Section” should replace “Sections.” [s. 1.07, Manual.]
- b. In the summary of factual data section of the rule summary, “Stats.,” should replace “Wisconsin Stats.” in number 4. [s. 1.07, Manual.]
- c. In SECTION 17, “s.” should replace “ch.” in s. DHS 105.17 (1) (b) 3. [s. 1.07, Manual.]
- d. In SECTION 18, “s.” should replace “ss.” in s. DHS 105.17 (1e) (e) 3. [s. 1.07, Manual.]
- e. In SECTION 20, a comma should be inserted before “Stats.” in s. DHS 105.17 (1n) (a) 3. [s. 1.07, Manual.]
- f. In SECTION 22, the references to “Wis. Stat.” should be replaced with the statutory section, followed by “Stats.” [s. 1.07, Manual.]
- g. In SECTION 22, “subd.” should replace “subds.” in s. DHS 105.17 (1w) (f). [s. 1.07, Manual.]
- h. In SECTION 37, “s. DHS 106.05, 106.06, or 106.065” should replace “ss. DHS 106.05, DHS 106.06 or DHS 106.065” in s. DHS 105.17 (5) (b). [s. 1.07, Manual.]

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

a. Throughout the rule summary, if an acronym is used, the first reference to the phrase should include the phrase, followed by the acronym in parentheses. All subsequent references to the phrase should use the acronym, instead of the phrase. [s. 1.01 (8), Manual.]

b. In the plain language analysis of the rule summary, “tribe” and “band” in the first paragraph should be plural. In the second sentence, the word “includes” should be replaced by the word “include.”

c. In the plain language analysis of the rule summary, “screening of” should be inserted before “tuberculosis” in the first bulletpoint.

d. In the comparison section of the rule summary, “in” should be inserted before “terms” in the first line of the fifth paragraph. Also, the fifth and seventh paragraph refer to Wisconsin being in the middle of the “3 states.” Which three states are being referenced? Finally, in the fifth and seventh paragraphs, the word “a” should be inserted before the phrase “community-based residential setting.”

e. In the rule summary discussion of factual data and analytical methodologies, the introduction should read: “The department relied on all of the following sources to determine the impact of the proposed rule on small businesses, specifically personal care agencies:”.

f. In the last paragraph on page 5, the last sentence suggests that a tuberculosis skin test is not required by the proposed rule. However, the proposed rule provides that each employee must have been screened for tuberculosis. The agency might want to clarify the last sentence on page 5 by describing how one is screened for tuberculosis without using a skin test.