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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 10-034

#### 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. It is awkward to include nurse practitioners in the definition of “attending physician.” The department might consider changing the term to “attending provider”.

b. Page 14, in sub. (7), the defined term should be “family member” for consistency with “individual.”

c. Section DHS 131.26 (2) (c) (intro.) should be s. DHS 131.26 (2) (c) 1. and the subsequent subdivisions should be renumbered.

d. The title of s. DHS 131.34 (1) should be in all capital letters. Also, the words “Federal” and “State” in that subsection should be lower case.

e. In s. DHS 131.34, sub. (2) should be deleted since the defined terms are not used in the rule.

f. In s. DHS 131.37 (3) (c), “; and” should be deleted and par. (d) should start on a new line. In sub. (4), par. (e) should start on a new line.

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

a. Page 13, the department should review s. DHS 131.14 (3) (b) for consistency with the caregiver background check statutes and rules, which are cited in s. DHS 131.19 (4). Also, it is not clear why s. DHS 131.19 (4) is placed in a section that relates to patient rights.

- b. Page 39-40, under s. DHS 131.33, citations to rules should be “s. DHS”.
- c. Page 49, under s. DHS 131.39 (2), the state statute should be cited as “s. 101.123, Stats.”, not “Wis. Stats.”

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

- a. In the introductory clause of the rule, “ch.” should replace “ch,”.
- b. Page 15. In the definition of “terminal illness,” may a “medical prognosis” be made only by a physician? If so, this should be stated.
- c. Throughout the rule, the phrase “all of the following” or “any of the following” should be added to introductory material. [See s. 1.03 (2) (h), Manual.] For example, in s. DHS 131.19 (3) (intro.), “do all of the following” should be inserted before the colon. As another example, “all of the following” should be inserted before the colon in s. DHS 131.37 (5) (e) (intro.).
- d. In s. DHS 131.26 (2) (b) 4., a period should replace the semicolon.