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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 10-043

#### 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 definitions of “qualified intensive-level provider” and “qualified intensive-level professional,” significant substantive material is included that delineates the training, education, and experience required of these providers and professionals. These criteria should be placed in a different subsection relating to qualifications. This information could then be cross-referenced in the definitions.

b. In the definitions of qualified intensive-level provider and professional, the term “1:1” should be replaced by the term “one-on-one.”

c. In several rule sections, some paragraphs are given titles and others are not. For consistency, when paragraph titles are provided, they should be provided for each paragraph of the subsection. For example, in s. Ins 3.36 (4) (a), no title is provided. However, all of the other paragraphs under that subsection have titles. The same comment is true for s. Ins 3.36 (5) (a) and (b). The entire rule should be reviewed for consistency in the use of titles. [See also s. 1.05 (2), Manual, relating to the format for titles.]

d. In s. Ins 3.36 (3), the introductory material should be renumbered as par. (a), and remaining paragraphs should be renumbered accordingly. Also, in current par. (c), the word “should” should be replaced by the word “shall.”

e. In s. Ins 3.36 (5) (a) (intro.), the word “must” should be replaced by the word “shall.” [See also s. Ins 3.36 (8) (a) (intro.).]

f. In s. Ins 3.36 (8), it is not necessary to create par. (a), since there is only one paragraph in the entire subsection. This provision should be renumbered to delete “(a)” and to restate the subdivisions as lettered paragraphs. The same comment holds true for s. Ins 3.36 (9).

g. In s. Ins 3.36 (10) (b), the term “Stat.” should be “Stats.”

h. Section Ins 3.36 (14) appears to be misnumbered; it should be s. Ins 3.36 (13). In addition, in par. (b) under this section, the word “paragraph” at the end of s. Ins 3.36 (14) (b) 1. and 2. should not be abbreviated.

i. In s. Ins 3.36 (14) (c) and (d), the word “department” should not be capitalized.

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

a. In the plain language analysis, it appears that the word “this” should be inserted before the word “section” in the first paragraph. In the third paragraph, it appears that the word “group” should be inserted following the first occurrence of the word “working.”

b. In the rule preface comparison of similar rules in adjacent states, in the first sentence of the comparison to Illinois, the word “to” should be inserted before the word “cover.” In the discussion of Michigan law, the statement that the bills are not expected to reach a vote this year presumably refers to a vote in the Michigan Senate. If so, this statement should be clarified.

c. In s. Ins 3.36 (1) (b) 1., a colon should be inserted in place of the semicolon after the word “following.” Also, in this subdivision and in subd. 2., the phrase “this law” should be replaced by a statutory cross-reference. Finally, in subd. 2., does the reference to the date a collectively bargained agreement expires or which it is modified, extended, or renewed apply to both a health benefit plan and to a self-insured health plan? If so, this should be made clear in the subdivision.

d. In s. Ins 3.36 (2) (c), there is a reference to medical and scientific evidence being defined in “s. 632.835 (3m) (b) 1., 2., and 2. a., Stats.” These statutory provisions do not define that term. Rather, they set forth criteria for determining if a treatment is experimental. The word “defined” should be replaced by the word “described.” Also, the correct cross-reference is “s. 632.835 (3m) 1., 2. (intro.) and 2. a., Stats.”

e. In the definition of “qualified paraprofessional” in s. Ins. 3.36 (2) (f) 1., the word “attains” should be replaced by the word “is.” Also, the definition of the term “qualified paraprofessional” is not in alphabetical order; the definition should be placed after the definition of the term “qualified intensive-level professional.”

f. In the definition of “qualified intensive-level provider” in s. Ins 3.36 (2) (g), the word “respectively” should be deleted.

g. In s. Ins 3.36 (2) (m), the phrase “for purposes of this section” is unnecessary and should be deleted.

h. In s. Ins 3.36 (3) (a), before the reference to “diagnostic and statistical manual of mental disorders,” the phrase “edition of the” should be inserted.

i. Section Ins 3.36 (4) (e) refers to providing coverage for a qualified therapist “when rendered.” It is unclear what is being “rendered” in this paragraph. This should be clarified.

j. In s. Ins 3.36 (5) (a) (intro.), the phrase “qualified as” should be deleted.

k. In s. Ins 3.36 (5) (b) 4., the word “Implemented” should be changed to “Implements.”

l. In s. Ins 3.36 (6) (b), what would be considered a timely notification of an insurer or self-insured plan? In addition, in that paragraph, “caregiver” should be one word instead of two. Finally, in the second sentence, the word “are” should be replaced by the word “is.”

m. In s. Ins 3.36 (11) (b), the final comma should be replaced by the word “or.”

n. In s. Ins 3.36 (14) (c), a comma should be inserted after the second occurrence of the number “2011.” Also, the phrase “the applicable requirements” should be replaced by an appropriate cross-reference.