



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 11-027

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 second paragraph of the plain language analysis, “chs.” should be changed to “ss.” in two locations. In the fourth paragraph and elsewhere, “Section” should be written “SECTION” when referring to the numbered SECTIONS of the rule.

b. The effect of the proposed rule on small businesses should have been determined prior to the submission of the analysis of the proposed rule to the Rules Clearinghouse. [See s. 227.14 (2) (a) 6., Stats.] A brief summary of that determination should be included in the analysis for the proposed order.

c. In the section regarding the analysis and supporting documents used to prepare an economic impact report and determine the effect on small businesses, although no economic impact report is required, the section should describe any data or methodologies used in determining whether the rule will impact small businesses.

d. A specific deadline for submission of comments should be added once it is known. [s. 227.14 (2) (a) 8., Stats.]

e. In SECTION 1 of the rule, “RL 4.08 (1)” should be added after the word “renumbered” in the treatment clause.

f. The language in SECTION 2 should not be underscored, as it is completely new language. [See s. 1.06 (1), Manual.]

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

In addition to the statutory provisions listed and discussed as statutory authority, s. 440.03 (13) (d), Stats., should be mentioned, as it appears to provide the most explicit statutory authorization for charging applicants for licensure for the costs of conducting background investigations.

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

a. The third and fourth paragraphs of the plain language analysis could be revised to more clearly convey that the proposed rule would subject all applicants seeking licensure as a physician to be fingerprinted, whereas the current rule does not.

b. In the section of the analysis that describes factual data and analytical methodologies, a quotation mark is missing in the second paragraph.

c. In the section of the analysis regarding analysis and supporting documents used to determine whether the rule will impact small businesses, the full name of the department should be replaced with the acronym for the department.

d. In the section of the analysis regarding costs anticipated to be incurred by the private sector, the words “that it currently requires undergoing” should be replaced with “for which it currently requires”.

e. In SECTION 1, “persons” on line 7 should be changed to “applicant’s” and “their” on line 8 should be changed to “his or her”.

f. In SECTION 2, on line 4, “persons” should be changed to “applicant’s” and on line 5, “their” should be changed to “his or her”.

6. Potential Conflicts With, and Comparability to, Related Federal Regulations

In the summary of related federal legislation, P.L. 92-544 is cited as a relevant federal law. In the comparison of rules in adjacent states, P.L. 105-251 is discussed as it relates to Iowa’s administrative rules. It appears that the former law was amended by the latter law, as codified under 42 U.S.C. s. 5119a. It may be appropriate to discuss current federal law, as amended and including the current U.S. Code citation, in the summary of related federal legislation.