



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 12-002

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 November 2011.]

1. Statutory Authority

In s. PT 1.02 (12), it appears that the phrase “or physical therapist assistant” should be deleted, because only physical therapists, and not assistants, are authorized for temporary licensure by the referenced s. 448.53 (2), Stats. Physical therapist assistants are also not authorized for temporary licensure under their governing statute, s. 448.535, Stats. Consequently, in addition, in s. PT 3.01 and throughout ch. PT 3, all references to a physical therapist assistant having temporary licensure should be deleted. Alternatively, if the board wishes to authorize physical therapist assistants for temporary licensure, it should explain the statutory authority for that decision.

2. Form, Style and Placement in Administrative Code

a. In the plain language analysis, the references to specific administrative rule sections should include an “s.” before the “PT” citation in the descriptions of SECTIONS 1, 2, 3, 4, 5, 7, 8, 9, 10, 12, 13, 14, and 15.

b. In the plain language analysis, “s.” should be inserted before the two references to “227.114 (1), Stats.”

c. In the enumeration of provisions treated portion of the introductory clause, the initials “PT” need only be referred to at the beginning of each particular treatment. [See s. 1.02 (1)]

(Example), Manual.] Also, in the enumeration of provisions treated and SECTION 13, “(intro.)” should replace “(intro)” following the reference to s. PT 8.05.

d. In SECTION 2 of the proposed rule, the contemplated treatment would be more appropriately described as an amendment of s. PT 1.02, rather than renumbering and amending s. PT 1.02 (1) to (6).

e. In s. PT 3.002 (3), “Continuing competence” should be placed in quotation marks, and “that” should replace “which”. Also, this definition is very vague, and does not provide a clear standard. The definition should be removed or revised. Since there is a single definition in this section, it is not necessary to create a sub. (3). [See s. 1.03 (1), Manual.]

f. In ss. PT 3.002 and 6.001, the titles should end with a period.

g. In SECTION 7 of the proposed rule, the treatment should apply generally to s. PT 3.01 (1), since the title of that subsection as well as the subsection text are amended. A comma should follow the amendment of the text.

h. In SECTION 8 and SECTION 11, periods should follow the section numbers.

i. In SECTION 11, the contemplated treatment should be split into separate SECTIONS as described in s. 1.04, Manual.

j. In s. PT 8.05, “s.” should be inserted before the reference to “PT 3.03”. Also, “3.02” should replace “3.03”. Also, is the reference to s. PT 3.02 intended as an exception to the requirements for reinstatement? It seems that it should be “In addition to the requirements for temporary licensure under s. PT 3.02,”.

k. The effective date clause of the proposed rule should be included as a numbered section of the rule. [s. 1.02 (4), Manual.]

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

a. In s. PT 1.01 (1), the references to ss. 15.405 (7r) and 448.567, Stats., should be deleted, as those are beyond the stated scope of ch. PT 1.

b. In s. PT 1.01 (2), “the issuance of licenses to physical therapist assistants under s. 448.53, Stats.,” should be deleted, because the referenced section governs physical therapists, not assistants. Also, the reference to ss. 448.54 and 448.55, Stats., after “ss. 448.535,” should be reworded, as those apply to both physical therapists and assistants, not only to assistants.

c. In s. PT 2.001 (1), the reference to s. 15.405 (7r), Stats., should be deleted, as it is beyond the stated scope of ch. PT 2.

d. In s. PT 2.001 (2), a reference to s. 448.53, Stats., should be added.

e. In s. PT 3.001, “and” should precede the statutory reference to s. 448.55 (3), which should be followed by a comma before “Stats.”

f. In s. PT 4.001, “and (3)” should be inserted after “448.53 (2)”.

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

a. In the second paragraph of the plain language analysis, the phrase “temporary license to practice under supervision, initial” is confusing, because of the placement of the comma. This should be more clearly reworded, perhaps by replacing the comma with “until”. Also in that paragraph: the two instances of “returning professional” should be plural; and “direct, immediate, on premises supervision” and “direct, immediate, one-to-one supervision” should have closing quotation marks.

b. In the comparison with Iowa in the plain language analysis, “an individual whose license has” should replace “individuals whose license have” and “those individuals whose license have”.

c. In the comparison with Michigan in the plain language analysis, should “after” replace “of” in the phrase “three years of their expiration date”?

d. In the “effect on small business” section of the plain language analysis, “contacted” should replace “contracted”.

e. In s. PT 1.01 (1), the comma at the end of the subsection should be deleted.

f. In s. PT 1.02 (11), “Licensee” should have a closing quotation mark.

g. In s. PT 1.03 (5) (c), “For a physical therapist” should replace “For physical therapists”, and “for a physical therapist assistant” should replace “for physical therapist assistants”.

h. Section PT 3.02, as a whole, should be revised.

(1) In the introductory paragraph, “to a person who has applied for either a” should replace “to an applicant for a regular”.

(2) In the introductory paragraph, “reinstatement” should replace both instances of “renewal”.

(3) In the introductory paragraph, “at least” should replace “the full”.

(4) In the introductory paragraph, “An applicant shall comply with all of the following:” should be deleted. Subsections (2) to (6) are not separate requirements for the applicant.

(5) In sub. (1), “An applicant shall provide either of the following:” should replace the introductory sentence. Also, “(a)” and “(b)” should replace “a.” and “b.”, and a period should replace the semi-colon at the end of par. (a).

(6) In sub. (2), “An” should replace “Obtain an”, and the first instance of “who” should be deleted. Also, “terms acceptable to the board” does not provide a clear standard for what types of terms must be included, and should be more precisely specified. For example, the board is presumably interested in the number of hours and level of supervision.

- i. In s. PT 5.001, a period should be added after “ss”.