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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 13-007

#### 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.]**

#### 2. Form, Style and Placement in Administrative Code

a. The introductory clause of the proposed rule should conform to the style of the example following s. 1.02 (1), Manual.

b. SECTIONS 1 and 2 of the proposed rule should be modified to conform to s. 1.03 (1) and (3), Manual. Currently, SECTION 1 creates an introductory clause but the material in SECTION 2 does not consist of items meant to flow as a list in relation to the introductory clause. Additionally, when creating rule subunits, as in SECTION 2, at least two subunits must be created. Could the board amend s. PT 7.01 to denote the current rule text as sub. (1) and create sub. (2), consisting of the same material currently included in SECTION 2 of the proposed rule?

c. In SECTION 3 of the proposed rule, definitions that are identical to statutory definitions should be phrased “has the meaning given” rather than “as set forth in”. For example, “Patient health care record” has the meaning given in s. 146.81 (4), Stats.” Note that the definition of “Patient health care record” should reference s. 146.81 (4), Stats., not s. 146.82 (4), Stats. [s. 1.01 (7) (d), Manual.]

d. Throughout the proposed rule, the use of “but not limited to,” or similar language, is not necessary, and has the same meaning as “including”. [s. 1.01 (7) (d), Manual.]

e. The board should be more specific with its reference to violation of administrative rules in s. PT 7.025 (1). Would it be accurate to reference certain chapters of rules promulgated by the board? Similarly, is the reference to “other provisions” of chs. 440 to 448 too vague?

Note that if the reference is left intact, it should be plural and “Stats.” should follow the reference.

f. In several instances throughout the proposed rule, the use of rule subunits should be reviewed to ensure the subunits form complete sentences and logically follow the preceding larger units. (See ss. PT 7.025 (5) (a) and (b), PT 7.025 (15), etc.). For example, in s. PT 7.025 (15) (a) to (d), it appears all of these rule subunits could be preceded by “For the purposes of this subsection:”, which could be placed as the last sentence in s. PT 7.025 (15) (intro.) and deleted from s. PT 7.025 (15) (b).

g. In s. PT 7.025 (18) (f), the substance of the paragraph is not related to the substance of material listed in pars. (a) to (e), and does not read as a complete sentence following s. PT 7.025 (18) (intro.).

h. Substantively, how do s. PT 7.025 (18) and (19) differ?

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

a. In the board’s caption to the proposed rule, “Phsical” is misspelled.

b. “Principles” should replace “principals” in the plain language analysis of the proposed rule.

c. Since the acronym “APTA” only appears once in SECTION 4 of the proposed rule, the rule may be more clear if the acronym is spelled out in that instance. [See s. PT 7.025 (Note).]

d. In s. PT 7.025 (3), a comma should follow “therapy”.

e. In s. PT 7.025 (16) (a), a period should end the subunit.

a. In s. PT 7.025 (18), punctuation following rule subunits should conform to s. 1.03 (4), Manual.