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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 15-022

#### 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 December 2014.]**

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

a. In the introductory clause that enumerates the rule provisions treated by the proposed rule, the style should be revised to conform to the example given in s. 1.02 (1) (Ex.) of the Manual. For example:

- (1) The clause should begin: “The Medical Examining Board proposes an order to repeal Med 3.06;”.
- (2) A comma should be inserted after the reference to “Med 23”, before the relating clause for the subject matter of the proposed order.

b. In the rule summary, the heading and section titled “Fiscal Estimate” could be removed. [s. 1.02 (2), Manual.]

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

a. Section Med 23.06 references an optional “interview” that may be required in accordance with s. Med 1.06. However, s. Med 1.06 sets forth requirements regarding “oral examinations”. It is unclear whether these two different terms have the same meaning, and it is unclear what the board means by “in accordance with Med 1.06”. Is it the board’s intent to state that, if required under s. Med 1.06 (1) (a), an applicant may be required to complete an oral examination? Or is it the intent to state that, at the discretion of the board, an applicant may be required to complete an oral examination in the manner provided in s. Med 1.06 (4)?

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

a. In the heading above the caption, the spelling of the word “Examining” in “Medical Examining Board” should be corrected.

b. In the rule summary’s plain language analysis, use of the words “they” and “their” as sex-neutral language is an ungrammatical substitute for proper singular form. For instance, the phrase “REL holders must restrict his or her practice to the postgraduate training program in which they are being trained” could be rewritten to read: “The holder of an REL may practice only in the postgraduate training program in which the person is being trained.”. Likewise, in ss. Med 5.04 and Med 5.06, the word “the” should replace the instances of the word “their”. [s. 1.01 (3), Manual.]

c. In the rule summary’s comparison with rules in adjacent states, for Iowa, it appears that the subtitle formatting should be removed, and that the phrases from the subtitles should be included in the first sentences of those paragraphs.

d. In the rule summary’s comparison with rules in adjacent states, for Michigan, it appears that the word “where” should replace the phrase “and that” in the fourth line under the subtitle “Educational limited license”.

e. In the rule summary’s comparison with rules in adjacent states, for Minnesota, the word “organizations” in the phrase “in a nonprofit organizations” should be in the singular, rather than the plural form, in the second paragraph under the subtitle “Residency permit”.

f. In s. Med 1.02 (3) (a), the word “provide” before the phrase “documentary evidence” should be removed. Also, in that paragraph, the word “or” before the phrase “the American Osteopathic Association” should be removed, and commas should be inserted after that phrase and after the phrase “successor organization”.

g. In s. Med 1.02 (3) (b), review and revise the use of punctuation and the placement of the word “or” to follow the same format as suggested for par. (a).

h. In s. Med 1.02 (3) (c), the phrase “documented education and training” should replace the phrase “documentary evidence”.

i. In s. Med 3.02, should an initial credential fee requirement be included, for the restricted license, similar to the requirement listed in s. Med 1.02 (6)?

j. In s. Med 3.04, the word “the” before “medical school” could be deleted. Also, a comma should be inserted after the phrase “practicing medicine and surgery”, and the phrase “is limited to” should replace the phrase “only within”. Lastly, the reference to terms and restrictions “established by the board” is unclear. Is this intended to refer to individualized terms and restrictions for the visiting physician, or to terms and conditions given in the rule?

k. In s. Med 5.02 (intro.), the comma before the phrase “and accredited” should be deleted. Also, a period should be inserted after the phrase “to practice medicine and surgery”, and the phrase “An applicant shall submit” should replace the phrase “and shall submit”, in order to begin a new sentence.

l. In s. Med 5.02 (1), it appears that the word “form” should be inserted after the word “application”.

m. In s. Med 5.02 (2), the word “that” should be inserted after the phrase “Documentary evidence”.

n. In s. Med 5.06, the phrase “from the date of issuance” could be inserted after the phrase “valid for one year”.

o. In s. Med 23.01, a space should be inserted between “s.” and “448.04”.

p. In s. Med 23.04, a comma should replace the semicolon in the first sentence. Also, a comma could be inserted in the last sentence after the phrase “medical necessity”.

q. In s. Med 23.05, it appears that the phrase “as to” should be inserted between the phrases “completed registration form” and “whether the application for registration is approved or denied”.