



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 15-027

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 December 2014.]

2. Form, Style and Placement in Administrative Code

- a. The rule analysis should cite s. 440.071, Stats., as one of the statutes interpreted in the rule.
- b. In the rule analysis, quotation marks should be used around the term “candidate for reentry”.
- c. In several instances, stricken text appears in the rule analysis. This text should be removed from the final analysis. However, related to one of those instances, the analysis should include a deadline for submission of comments on the proposed rule.

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

Section PT 8.05 (1) should contain a cross-reference to the rule provision that specifies the continuing education requirements that an applicant for renewal must complete.

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

- a. The proposed changes in the rule-making order allow an individual to take an examination before they submit an application for licensure. However, several provisions of the current rule that are not amended by the rule-making order appear to be unworkable if an individual wishing to take an examination has not submitted an application for licensure. For example, under current practice, individuals notify the board of their desire to take the required examination by submitting a completed application under s. PT 1.04 and the board notifies applicants, under s. PT

2.01 (5), of the time and place scheduled for the examination. How will this notice be provided under the proposed changes? In addition, s. PT 2.01 requires a panel to review each application for licensure to determine whether an individual is required to take an oral examination. If an individual has not submitted an application for licensure, how will the panel make that determination?

b. The rule analysis should explain why SECTION 4 of the proposed rule eliminates the department's duty to mail application renewal forms to licensees.

c. In s. PT 8.05 (3), must an applicant for reinstatement whose license has been expired less than five years, and who has unmet disciplinary requirements, provide evidence of completion of disciplinary requirements in order to be eligible for reinstatement? Should the reference to "section" in the last sentence of s. PT 8.05 (3) refer instead to subs. (1) and (2) or solely to sub. (2)? If intended to apply to subs. (1) and (2), the board should consider placing the sentence in a separate subsection.