



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 15-095

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 organizational structure of s. DE 10.01 (1) should be reviewed for excess subdivision. Additionally, the agency should consider whether the material in s. DE 10.01 (1) (b) is substantive material that would be better placed elsewhere in ch. DE 10.
- b. In s. DE 10.01 (1) (b) (intro.), “hygienist” should be changed to “hygiene”. A phrase such as “are satisfied” should follow “all of the following” in s. DE 10.01 (1) (b) 1. (intro.). In the same rule subdivision, to who or what does the word “their” refer?
- c. Should s. DE 10.02 require an applicant to include, in the application, proof that the applicant has established the protocol for follow-up care, as required under s. DE 10.04, and procedures for a patient to access his or her records, as required under s. 447.02 (2) (f), Stats.?
- d. The requirement in s. DE 10.02 (1) (b) is redundant and should be deleted.
- e. The rule should require an applicant for registration to provide the person’s name and tax identification number and the person’s business address and telephone number. [See s. 447.058 (2) (a) 1., Stats.]
- f. The rule should specify which state agency is referred to by the term “Department” in s. DE 10.05 (1). In addition, “department” should not be capitalized. [See s. 1.01 (4), Manual.]
- g. Section DE 10.01 (1) (b) 3. should be rewritten in the form of a requirement that must be met in order to be exempt from the registration requirement. In addition, to which department does the rule refer? There is neither a state nor federal “department of health”. The pertinent

Wisconsin agency is the “department of health services”, and the federal agency is the “department of health and human services”.

h. Section DE 10.04 should be rewritten in the form of a mandatory action, using the term “shall”. [s. 1.01 (2), Manual.]

i. Proper citation format, prescribed by s. 1.07 (2) (Table) of the Manual, should be reviewed throughout the proposed rule. For example, use “; Stats.” following the citations in s. DE 10.02 (2) (b) and (3) (b), and delete “Wis. Admin. Code” in s. DE 10.03 (3).

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

a. It is unclear what is meant by the requirement, in s. DE 10.03 (1), that a registrant must provide each patient with the “registration number providing services”. This provision should be clarified.

b. The rule should establish an affirmative requirement that a mobile dentistry program provide notification when new employees or contractors begin to provide services, rather than simply stating that it is unprofessional conduct for a registrant to fail to do so.

c. The rule should specify how a person’s registration may be reinstated following any disciplinary action that affects the person’s registration status.