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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 16-022

#### 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.]**

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

- a. In s. DCF 154.03, delete “under s. 49.36, Stats.”. The reference is not necessary because the definition of “work experience program” in s. DCF 154.02 (14) references the statute.
- b. In s. DCF 154.05 (8), replace the reference to “subsection” with “section”.
- c. In s. DCF 154.06 (1), the reference to s. 49.162 (1), Stats., appears to be incorrect. It appears that the reference may have been intended to mirror the reference in s. 49.162 (4), Stats., to sub. (3) of that section, with the requirement that the person present evidence that is “satisfactory” to the agency of a valid prescription. If that is the case, the reference could be revised to follow the language of that standard in s. 49.162 (3), Stats., without needing to make a statutory reference.

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

- a. In s. DCF 154.05 (2), should the list of controlled substances to be included in a test be specified by rule rather than added or deleted by policy?
- b. In s. DCF 154.05 (4) (e), replace the phrase “testing vendor” with “drug testing vendor”.
- c. In s. DCF 154.05 (5), does the agency intend to refer to “10 business days” when other references to days in the proposed rule refer to calendar days?

d. In s. DCF 154.05 (7), replace the phrase “work experience program” with “program”. The programs in the listed statutes are not “work experience programs”, as defined in s. DCF 154.02 (14).

e. In s. DCF 154.06 (1), replace the phrase “testing vendor” with “drug testing vendor”.

f. In s. DCF 154.06 (7) (b) and (8) (d), is the requirement that the agency inform the clerk of courts that a person is not eligible to participate in any program subject to s. 49.162, Stats., including programs other than the Children First Program, consistent with the agency’s intent? In contrast, see s. DCF 154.06 (9) (c), which requires an agency to inform the clerk of courts that a person is not eligible to participate in “any work experience program”, which appears, for purposes of that provision, to limit the notification requirement to the Children First Program because of the applicable definition of “work experience program” in s. DCF 154.02 (14).

g. In s. DCF 154.06 (9) (c), does the agency intend that a person become ineligible to participate in the Children First Program only or in any program subject to s. 49.162, Stats.? The use of the phrase “work experience program” suggests that it only applies to the Children First Program. If the agency intends that it apply to any program subject to s. 49.162, Stats., the provision should be rewritten.

h. The proposed creation of ch. DCF 105 in Clearinghouse Rule 15-091 includes a section relating to appeals of decisions relating to substance abuse screening, testing, and treatment for certain department work experience programs. Should the agency include a similar section in ch. DCF 154 in the proposed rule?