



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 18-072

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

In s. Med 13.02 (1v) (a), if it is anticipated that the requirement is likely to continue to apply in future renewal periods, consider revising the phrase “occurring on November 1, 2021,” to the phrase “occurring November 1 of each odd-numbered year, beginning in 2021,”.

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

In the rule summary’s listing of related statutes or rules, consider including a reference to s. 448.08 (2) (a) 58., Stats., which provides that the credential renewal date for a physician, other than a physician who possesses the degree of doctor of osteopathy, is November 1 of each odd-numbered year. Consider also including a reference to s. 440.035 (2m), Stats., which allows the Medical Examining Board to issue guidelines regarding best practices in prescribing controlled substances.

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

a. In the rule summary’s plain language analysis, consider more clearly describing the goal of the proposed rule. It appears that the effect of the rule is to require that, beginning with the renewal date occurring on November 1, 2021, a physician must complete two hours of a course or program related to “opioid prescribing”, rather than to “the guidelines issued by the board”.

b. In the rule summary’s plain language analysis, the second sentence references the expiration of a “requirement” but it is not clear what “requirement” is expiring that necessitates

the proposed rule. This could be clarified by specifying in the first sentence that current rules include a continuing medical education requirement that applies only to a renewal date occurring in 2019 or 2020.

c. The second sentence of the plain language analysis states that the continuing medical education hours for the renewal occurring on November 1, 2021, must relate to prescribing “controlled substances”. However, the text of the rule, in ss. Med 13.02 (1v) (a) and 13.03 (3) (b) 2m., references “opioid” prescribing. Review and revise the use of these terms to consistently refer to either “controlled substances” or “opioids”, whichever is intended.