



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 19-077

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 s. DHS 50.10 (2), the proposed rule refers to “a mental health crisis”, however the term “crisis” is already a defined term that refers to a situation caused by “an apparent mental health disorder”. The use of the phrase “mental health crisis” in this context is not only redundant but could potentially create an ambiguity, so it is recommended that “mental health” be removed.
- b. A period should be placed at the end of s. DHS 50.03 (1) (Note), and the department should review the entire proposed rule for similar occurrences.
- c. In s. DHS 50.03 (4) (c), the department should insert a space between “to” and “s.”.
- d. An internet link appears to have been omitted in s. DHS 50.04 (2) (Note).
- e. The department should review the organization of s. DHS 50.04 (3) for proper use of rule subdivisions. [s. 1.03, Manual.]
- f. A period should be placed after “1” in s. DHS 50.09 (3).
- g. Sections DHS 50.11 (4) and 50.12 (3) (b) to (e), (4), and (6) should be reviewed with respect to interaction with the respective introductory material. [s. 1.03 (3), Manual.]

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

- a. The definitions section of the proposed rule includes the term “major deficiency” but that term is not ever used in the text of the rule, which may indicate that some further revisions are

needed. For example, are both of the termination provisions under s. DHS 50.03 (10) intended to apply to any deficiency or are they intended to be limited to “major” deficiencies?

b. Section DHS 50.03 (2) (h) requires proof of building insurance, risk, and liability insurance, and agency-owned vehicle insurance if transporting youth. Should the department also specify the amount of insurance coverage that is required?

c. The department should consider whether the references to “health safety and welfare of youth” in ss. DHS 50.03 and 50.04 should be expanded to apply to staff and visitors to the facility, not just the youth.

d. In s. DHS 50.12 (6), the reference to “what could have been handled differently by the staff member” is vague and should be replaced with something more specific such as “an evaluation of the appropriateness of the staff member’s actions”.