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# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 23-005

### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]**

#### **2. Form, Style and Placement in Administrative Code**

- a. In SECTION 1 of the proposed rule, the reference to “DHS 107.24(3)(i)” should be written, “sub. (3) (i)”.
- b. Based on other treatments of the proposed rule, s. DHS 107.24 (4) (c) 1. should be revised to end in a period rather than a semicolon.

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

- a. The underscored material in SECTION 1 of the proposed rule is substantially similar to language present in s. 49.45 (9r) (e), Stats. Consider, for example, the reference to “meet medical necessity standards” in the rule text, compared to “medically necessary” in the statute. If these terms are intended to mean the same thing, more precise repetition of the statutory text may prevent confusion.
- b. In SECTION 1, the clarity of the last sentence could be improved through revision and inclusion of additional text, such as “In order to be covered for a recipient who is a nursing home resident, the complex rehabilitation technology shall do at least one of the following:”.
- c. In SECTION 2, the agency refers to “member”, while the text of the rule chapter and the underlying statute appear to refer to “recipient” and “resident of a nursing home” to mean the same individual. The agency should consider whether it would lend clarity to the rule to use an existing term rather than introduce a new one.