



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 23-015

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, cross-references should follow the style prescribed in s. 1.15 (2) (c), Manual. For example, “Phar 7.15 (3)” should be written “sub. (3)”.

b. In SECTION 1 of the proposed rule, in s. Phar 7.15 (3), a period should follow the text in pars. (a) to (d).

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

a. The plain language analysis draws heavily from the scope statement underlying the proposed rule. However, the general nature of these documents are different, and the speculative language present at the time the scope statement was issued should be made more specific in the plain language analysis. For example, by the time a proposed rule is submitted for Clearinghouse review, the scope of the treatments in the proposed rule is known, not “including but not necessarily limited to” particular code chapters, as indicated in the scope statement. As such, the plain language analysis should be revised to more specifically describe the contents of the proposed rule.

b. In SECTION 1 of the proposed rule, the proposed text restates the statutes interpreted with minimal additional detail (the statute requires updates of pharmacy lists at least monthly while the rule requires updates monthly, for example). Consider whether the proposed rule is necessary, or alternatively, whether the proposed rule should be revised in order to add additional detail. For example, it could be clarified to include how, under s. Phar 7.15 (2), generic drug product equivalents are determined to be “most commonly” prescribed.

c. In SECTION 2 of the proposed rule, it is unnecessary to refer to compliance with a “valid” rule. Rhetorically, why would a person be required to comply with an invalid rule? Additionally, and related to comment b., above, are the provisions created by SECTION 2 merely duplicative of s. 450.10 (1) (a) 2., Stats.?