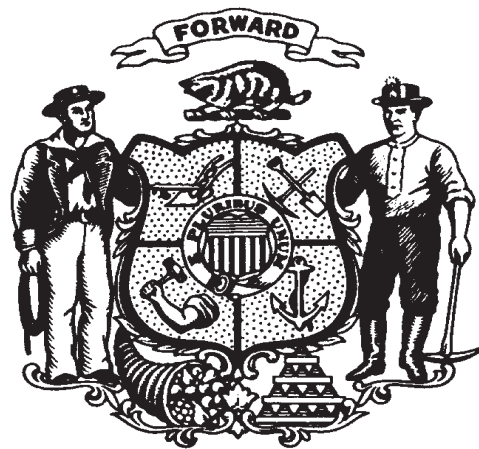


# Wisconsin Administrative Register

No. 702



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## Emergency Rules Now in Effect

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*Under s. 227.24, Stats., state agencies may promulgate rules without complying with the usual rule-making procedures. Using this special procedure to issue emergency rules, an agency must find that either the preservation of the public peace, health, safety or welfare necessitates its action in bypassing normal rule-making procedures.*

*Emergency rules are published in the official state newspaper, which is currently the Wisconsin State Journal. Emergency rules are in effect for 150 days and can be extended up to an additional 120 days with no single extension to exceed 60 days.*

*Occasionally the Legislature grants emergency rule authority to an agency with a longer effective period than 150 days or allows an agency to adopt an emergency rule without requiring a finding of emergency.*

*Extension of the effective period of an emergency rule is granted at the discretion of the Joint Committee for Review of Administrative Rules under s. 227.24 (2), Stats.*

*Notice of all emergency rules which are in effect must be printed in the Wisconsin Administrative Register. This notice will contain a brief description of the emergency rule, the agency finding of emergency or a statement of exemption from a finding of emergency, date of publication, the effective and expiration dates, any extension of the effective period of the emergency rule and information regarding public hearings on the emergency rule.*

*Copies of emergency rule orders can be obtained from the promulgating agency. The text of current emergency rules can be viewed at [www.legis.state.wi.us/rsb/code](http://www.legis.state.wi.us/rsb/code).*

*Beginning with rules filed with the Legislative Reference Bureau in 2008, the Legislative Reference Bureau will assign a number to each emergency rule filed, for the purpose of internal tracking and reference. The number will be in the following form: EmR0801. The first 2 digits indicate the year of filing and the last 2 digits indicate the chronological order of filing during the year.*

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### Administration

**EmR1321** — The Department of Administration hereby adopts an order to repeal **section Adm 2.14 (2) (vr) c.**; to renumber and amend **section Adm 2.14 (2) (v) 9. a. and b.**; to amend **sections Adm 2.02 (1) (a), 2.04 (1), 2.04 (2), (3), (5), and (7), 2.07 (2), 2.08 (1) and (1) (d), 2.11, 2.14 (2), (2) (v), (2) (vm) and (2) (vm) 5.**; and to create **sections Adm 2.03 (3m), (3r) and (6m), 2.04 (1m), (2m), (2r), (2z), (9), and (10), and 2.14 (2) (vm) and (2) (vm) 5.**

The statement of scope for this rule, SS 131–13, was approved by the Governor on October 8, 2013, and published in Register No. 694 on October 31, 2013, and approved by Department of Administration Secretary Mike Huebsch on November 13, 2013. This emergency rule was approved by the Governor on November 21, 2013.

#### Finding of Emergency

Since 1979 the legislature has vested the department of administration with the responsibility and authority to manage various state buildings and grounds, including those of the Wisconsin state capitol. S. 16.84 (1), Stats. Since 1979, the department has permitted the use of these buildings and grounds for the free discussion of public questions and other

purposes, so long as such uses did not interfere with the prime uses of these facilities, or otherwise infringe on interests of the state. s. 16.845, Stats., and s. Adm 2.04.

Each year, the Wisconsin state capitol police issue nearly 500 permits for the use of various state facilities. Permits are used for a variety of purposes, whether political, non-political, charitable, or commercial. Permits are issued regardless of political party, affiliation, or content. Permits are given to any person free of charge.

Occupation of the capitol rotunda and other areas has caused disruptions to the properly permitted events and normal government activities, including but not limited to, a Red Cross blood drive, a high school science exhibit, school group tours, general public tours, and legislative committee meetings and sessions. The state does not refuse permits for the lawful and safe use of state facilities by any person or persons, and the state cannot allow any person or persons to occupy the capitol in disregard of the rights of permit holders, public employees, or visitors. It is imperative that the department gain compliance in order to protect the public safety and welfare.

On October 24, 2013, a lawsuit was dismissed based upon a stipulation of and settlement agreement between the parties. The department is obligated under the settlement agreement to advance certain changes in procedure. The department seeks to fulfill its obligations in a timely manner, which is not possible without engaging in the emergency rule process.

<b>Filed with LRB:</b>	<b>November 26, 2013</b>
<b>Publication Date:</b>	<b>November 27, 2013</b>
<b>Effective Dates:</b>	<b>November 27, 2013 through April 25, 2014</b>
<b>Hearing Date:</b>	<b>February 21, 2014</b>
<b>Extension Through:</b>	<b>August 23, 2014</b>

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### Agriculture, Trade and Consumer Protection

**EmR1407** — The Wisconsin Department of Agriculture, Trade and Consumer Protection hereby adopts the following emergency rule to amend **section ATCP 21.10 (1) (b)** and to create **section ATCP 21.10 (1) (c)**, relating to the quarantine of Iowa County for the gypsy moth.

This emergency rule was approved by the Governor on March 13, 2014.

The blanket scope for this rule, SS 141–13, was approved by the Governor on October 30, 2013, published in register No. 695 on November 14, 2013, and approved by the Board of Agriculture, Trade & Consumer Protection on December 10, 2013.

#### Finding of Emergency

Gypsy moth is an exotic, invasive pest that poses a serious risk to Wisconsin's forest, shade and commercial trees. The 2013 DATCP survey in Iowa County shows that current and projected GM populations in that county have reached the threshold level to trigger implementation of further regulatory measures. Since 2011, multiple trap sites in Iowa County have caught over 100 individual moths, with an average trap count of 28 in 2013 (a five-fold increase from 2011). The survey data indicate that reproducing populations of GM now exist at significant levels in Iowa County and that eradication

is not feasible. This evidence supports the need for a quarantine to limit movement from this infestation. When APHIS declares a quarantine, DATCP has regulatory authority for import controls and quarantine for GM under s. ATCP 21.10. It is anticipated that APHIS will declare a quarantine for Iowa County but that it will take six to eight weeks for APHIS to act. A six week delay until enactment of the federal quarantines leaves too much time for businesses or individuals to move potentially GM infested material out of this county to areas of Wisconsin or other states that are not infested with GM.

DATCP is adopting this rule as a temporary emergency rule, pending completion of federal quarantine regulations. DATCP does not anticipate completing a permanent rule.

**Filed with LRB:** March 28, 2014  
**Publication Date:** March 31, 2014  
**Effective Dates:** March 31, 2014 through August 27, 2014  
**Hearing Date:** April 29, 2014

## Insurance

**EmR1408** — The Commissioner of Insurance proposes an order to amend section Ins 17.01 (3); and to repeal and recreate section. Ins 17.28 (6), Wis. Admin. Code, relating to the Injured Patients and Families Compensation Fund Annual Fund and mediation panel fees, for the fiscal year beginning July 1, 2014 and affecting small business.

This emergency rule was approved by the Governor on June 12, 2014.

The statement of scope for this rule, SS 147–13, was approved by the Governor on November 18, 2013, published in Register No. 695, on November 30, 2013, and approved by the Commissioner on May 8, 2014.

### Finding of Emergency

The Commissioner of Insurance finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. Facts constituting the emergency are as follows:

These changes must be in place with an effective date prior to July 1, 2014 in order for the new fiscal year assessments to be issued in accordance with s. 655.27 (3), Wis. Stats. The permanent rule-making process cannot be completed prior to the effective date of the new fee schedule. The fiscal year fund fees were established by the Board of Governors at the meeting held on December 18, 2013 and the mediation panel fees established by the Board of Governors at the meeting held on March 19, 2014.

**Filed with LRB:** June 13, 2014  
**Publication Date:** June 18, 2014  
**Effective Dates:** June 18, 2014 through November 14, 2014

## Natural Resources (6)

### *Fish, Game, etc., Chs. NR 1—*

**1. EmR1210** (DNR # WM–09–12(E)) — The Wisconsin Natural Resources Board proposes an order to amend sections **NR 10.001 (25c), 10.02 (1), 10.06 (5) and (8) (intro.), 10.07 (2) (b) 2., 10.07 (2m) (intro.) and (e) (intro.), 10.07 (2m) (f)**

**(intro.), 10.09 (1), 10.13 (1) (b) 9., 10.13 (1) (b) 15., 10.13 (1) (b) 16., 10.145 (intro), 10.145 (3) to (8), 12.10 (intro.), 12.10 (1) (a) 4., 12.10 (1) (b) 2., 12.15 (13) and 19.25** and to create sections **NR 10.001 (22q), 10.001 (23a), 10.001 (23am), 10.001 (23b), 10.001 (26g), 10.001 (33), 10.01 (3) (j), 10.07 (1) (m), 10.07 (2m) (em), 10.07 (2m) (g) 3., NR 10.07 (4), 10.13 (1) (b) 15m., 10.13 (1) (b) 18., 10.145 (1m), (1u) and Note, sections NR 10.16 (5), 10.295, 12.15 (11) (e), 12.60 to 12.63, 12.64 (1) (a) and (b) (intro.) 1., 12.64 (1) (b) 2. and 3., 12.64 (1) (b) 4. and 5., 12.64 (2) (a) to (c), 12.64 (2) (d), 12.64 (3) and 12.65**, relating to the wolf hunting and trapping season and regulations and a depredation program.

This emergency rule was approved by the Governor on August 10, 2010.

The statement of scope for this rule, SS 023–12, was approved by the Governor on April 12, 2012, published in Register No. 676, on April 30, 2012, and approved by the Natural Resources Board on May 23, 2012.

### Finding of Emergency

A non-statutory provision, SECTION 21, of 2011 ACT 169 requires the department to submit rules necessary for implementation or interpretation and establishes that the department is not required to make a finding of emergency.

**Filed with LRB:** August 15, 2012

**Publication Date:** August 18, 2012

**Effective Dates:** August 18, 2012 through the date on which the permanent rules take effect, as provided in 2011 Wisconsin Act 169, section 21.

**2. EmR1215** (DNR # WM–16–12(E)) — The Wisconsin Natural Resources Board proposes an order to repeal and recreate **section NR 10.01 (3) (h) 1.**, relating to the coyote hunting season.

This emergency rule was approved by the Governor on August 30, 2012.

The statement of scope for this rule, SS 038–12, was approved by the Governor on May 29, 2012, published in Register No. 678, on June 14, 2012, and approved by the Natural Resources Board on June 27, 2012.

### Finding of Emergency

A non-statutory provision, Section 21, of 2011 ACT 169 requires the department to submit rules necessary for implementation or interpretation and establishes that the department is not required to make a finding of emergency.

**Filed with LRB:** September 14, 2012

**Publication Date:** October 1, 2012

**Effective Dates:** October 1, 2012 through the date on which the permanent rules take effect, as provided in 2011 Wisconsin Act 169, section 21.

**3. EmR1320** (DNR # FH–27–13(E)) — The Wisconsin Natural Resources Board proposes an order to create **Chapter NR 85**, relating to development of a competitive grant program for cities, villages, towns, counties, federally recognized Indian tribes or bands located in this state, and fish farms in order to increase the capacity to raise walleye for stocking in Wisconsin waters.

This rule was approved by the Governor on November 8, 2013.

The statement of scope for this emergency rule, SS 104–13, was approved by the Governor on August 12, 2013, published in Register No. 692 on September 1, 2013 (August 31, 2013), and approved by the Natural Resources Board on September 25, 2013.



**Finding of Emergency — Exemption**

2013 Wisconsin Act 20, the 2013–15 state budget, included the following nonstatutory language: The department of natural resources may promulgate emergency rules under section 227.24 of the statutes implementing sections 29.739 and 29.740 of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated for walleye population maintenance and enhancement grants remain in effect until June 30, 2016, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating this rule as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

**Filed with LRB:** November 14, 2013

**Publication Date:** November 21, 2013

**Effective Dates:** November 21, 2013 through June 30, 2016, or the date on which permanent rules take effect, whichever is sooner.

**Hearing Date:** December 12, 2013 and December 19, 2013

**4. EmR1401 (DNR # FH–26–13(E))** — The Wisconsin Natural Resources Board proposes an order to amend **sections NR 20.20 (73) (n) 4. and 25.06 (1) (a)**, Wis. Adm. Code, relating to lake trout harvest limits in Lake Superior.

This rule was approved by the Governor on December 30, 2013.

The statement of scope for this rule, SS 108–13, was approved by the Governor on August 13, 2013, published in Register No. 692 on August 31, 2013, and approved by the Natural Resources Board on September 25, 2013.

**Finding of Emergency**

Pursuant to s. 227.4, Stats., the department finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. The welfare of state–licensed commercial fishers, tribal commercial fishers, recreational anglers, and associated businesses is threatened by a decline in the lake trout population in the Apostle Islands vicinity of Lake Superior. The continued, persistent decline in lake trout population abundances and predicted further declines necessitate the current reductions in order to ensure a sustainable lake trout fishery over the long–term. Lake trout harvest limits were negotiated in October 2013 among the Department of Natural Resources and the Red Cliff and Bad River Bands of Lake Superior Chippewa and those changes must be ordered through administrative code. This emergency rule is needed to preserve the public welfare.

**Filed with LRB:** January 14, 2014

**Publication Date:** January 13, 2014

**Effective Dates:** January 13, 2014 through June 11, 2014

**Extension Through:** August 10, 2014

**5. EmR1405 (DNR # WM–24–13(E))** — The Wisconsin Natural Resources Board proposes an order to repeal sections **NR 10.01 (3) (ed), (es) 3., and (et), 10.07 (3), 10.09 (2), 10.28 (3), and 45.09 (9)**, to amend sections **NR 1.15 (1) (a), (b), and (c) 1., (2) (a) (intro.) and (at), and (3), 10.001 (2e), (6p), and (19e), 10.01 (3) (es) 1. and 2. and (3) (ev), 10.02 (3), 10.06 (8)**

**(b) and (note), 10.07 (2m) (b) 1., 10.102 (1) (e) 4., 10.105 (1), (2), (4), and (7), 10.106 (intro.) and (1), 12.06 (1), (2), and (4), 12.16 (4), 13.38 (2) (b) and (Note), and 19.60 (2) (b) 1.**, to repeal and recreate sections **NR 1.15 (2) (a) 8., 10.01 (3) (e) and (em), 10.104, 10.106 (2), 10.28 (1) and (2), 10.28 (4), and 10.41**, and to create **Chapter NR 10 (Title.) and sections NR 10.001(1k) and (23a) and (b), 10.01 (2) (b) (Note) and (4) (dm) (Note), and Subchapter II**, relating to deer management, hunting, and implementation of the 2012 White–tailed Deer Trustee Report.

This emergency rule was approved by the Governor on February 10, 2014

The statement of scope for this rule, SS 098–13, was approved by the Governor on July 23, 2013, published in Register No. 692, on August 14, 2013, and approved by the Natural Resources Board on September 25, 2013.

**Finding of Emergency**

A non–statutory provision, SECTION 9132 of 2013 Act 20, establishes that the department may promulgate rules to implement the 2012 final deer management report and that the department is not required to make a finding of emergency.

**Filed with LRB:** February 25, 2014

**Publication Date:** March 7, 2014

**Effective Dates:** March 7, 2014 through June 30, 2015

**6. EmR1409 (DNR # FH–03–14(E))** — The Wisconsin Natural Resources Board proposes an order to amend **sections NR 20.36 (2) and 23.055 (2)**, relating to modifications in daily bag limits and minimum size limits in response to tribal harvest.

This emergency rule was approved by the Natural Resources Board on May 28, 2014, and by the governor on June 6, 2014.

The statement of scope for this rule was approved by the governor on February 14, 2014, published in Register No. 698 on February 28, 2014, and approved by the Natural Resources Board on March 19, 2014.

**Statement of Emergency**

This emergency rule is needed to promote the preservation and protection of public peace, health, safety, and welfare in the Ceded Territory of Wisconsin by minimizing regional social and economic disruption known to be associated with reductions in walleye bag limits on off–reservation waters.

**Filed with LRB:** June 16, 2014

**Publication Date:** June 14, 2014

**Effective Dates:** June 14, 2014 through November 10, 2014

**Hearing Date:** July 14, 2014 and July 16, 2014

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**Public Instruction**

**EmR1324** — The State Superintendent of Public Instruction hereby proposes to amend **sections PI 5.02 (6) and (11m), 5.035 (6), and 5.04**, relating to high school equivalency diplomas and certificates of general educational development.

Per the Dane County Circuit Court order issued in Coyne, et al. v. Walker, et al., Case No. 11–CV–4573, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope or this rule.

The scope statement for this rule, SS 093–13, was published in Register No. 692, on August 14, 2013, and approved by State Superintendent Tony Evers on August 27, 2013.

### Finding of Emergency

The Department of Public Instruction finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of the facts constituting the emergency is:

The number of subtests and the passing scores for the General Educational Development (GED) Test will be changing in January 2014 when a new test is implemented by the GED Testing Service.

Unless the rule is changed to reflect these new subtests and passing scores, the Department may be prevented from issuing credentials for test takers who pass the GED Test because the required passing scores will be incorrect.

**Filed with LRB:** December 27, 2013  
**Publication Date:** December 27, 2013  
**Effective Dates:** December 27, 2013 through May 25, 2014  
**Hearing Date:** February 24, 2014  
**Extension Through:** July 24, 2014

## Safety and Professional Services

### *Uniform Dwelling Code, Chs. 320–325*

**EmR1403** — The Wisconsin Department of Safety and Professional Services adopts an order to amend **sections SPS 321.02 (1) (c), 321.23, Table 321.25–A, 321.25 (7) (d) and (8) (a) (Note), and Chapters 320 to 325 Appendix — Minimum Fastener Schedule Table;** and to repeal and recreate **section SPS 321.25 (8) (b) to (h) and (9),** relating to wall bracing for one- and two-family dwellings.

This emergency rule was approved by the Governor on January 28, 2014.

The statement of scope for this rule, SS 139–13, was approved by the Governor on October 28, 2013, published in Register 695 on November 14, 2013, and approved by the Department on November 26, 2013.

### Finding of Emergency

The Department of Safety and Professional Services finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is as follows.

Some building designers find the current rules for wall bracing for one- and two-family dwellings are too difficult to understand and apply, which results in unnecessary costs and delays in home building. Promulgating revisions to the rules through the emergency rule process is needed in order to avoid these costs and delays as soon as possible. In addition, the report that the Dwelling Code Council is required to complete by July 1, 2014, under section 101.62 (4) of the Statutes is expected to include recommendations to clarify and simplify these rules through the emergency rule process.

**Filed with LRB:** February 13, 2014

**Publication Date:** February 19, 2014  
**Effective Dates:** April 1, 2014 through August 28, 2014  
**Hearing Date:** March 11, 2014

## Transportation

**EmR1404** — The Wisconsin Department of Transportation proposes an order to create **section Trans 327.14,** relating to motor carrier safety and affecting small businesses.

This emergency rule was approved by the Governor on February 10, 2014.

The statement of scope for this rule, SS 155–13, was approved by the Governor on December 16, 2013, published in Register 696, on December 31, 2013, and approved by Secretary Mark Gottlieb as required by s. 227.135 (2), Stats., on January 13, 2014.

### Finding of Emergency

The welfare of commercial motor vehicle drivers who hold a commercial driver license (“CDL”) issued by the State of Wisconsin who operate commercial motor vehicles outside this state will be harmed beginning January 30, 2014, if they cannot demonstrate compliance with recent federal regulations because they will be treated by other states as unlicensed drivers. Beginning on January 1, 2014, federal regulations require CDL holders to have certified to DOT the type of commercial driving they do and, if required, to have submitted proof of medical fitness to drive, and to have their driving records updated by DOT to show these actions, before driving a commercial motor vehicle. The Department published the scope statement for permanent rulemaking in September 2011 to implement these federal requirements. The permanent rulemaking effort is ongoing but will not take effect before the January 30, 2014 deadline for compliance.

**Filed with LRB:** February 14, 2014  
**Publication Date:** February 16, 2014  
**Effective Dates:** February 16, 2014 through July 15, 2014

## Workforce Development

### *Unemployment Insurance, Chs. DWD 100–150*

**EmR1316** — The Wisconsin Department of Workforce Development hereby adopts an order to repeal **sections DWD 126.02 (2), (3), and (4), 126.03 (1), 126.04, 126.05, 127.01 (2) (b), (f) to (i), and (3), 127.02 (intro.), (1), (2), (3), and (4), 127.02 (5) and (10), and 127.08;** to renumber and amend **section DWD 126.02 (1);** to amend **sections DWD 126.01, 126.03 (intro.) and (2), 127 (title), 127.01 (1), (2) (intro.), (a), (c), and (d), 127.02 (7), (9), and (11), 127.04 (title), (1), and (2), 127.05, 127.06 (1), (2), and (3), 127.07 (title) and (1), 128.01 (2) (a), and 129.01 (1) and (2);** to repeal and recreate **sections DWD 127.01 (2) (j) and 127.07 (2);** and to create **sections DWD 126.02 (Note), 126.03 (3), (4), (5), (6), and (7), 127.01 (2) (em), 127.02 (12), 127.04 (1m) (e), and 127.06 (1) (c),** relating to unemployment insurance work registration, work search, and benefit claiming procedures.

This emergency rule was approved by the Governor on September 20, 2013.

The statement of scope for this emergency rule, SS 106–13, was approved by the Governor on August 14, 2013, published

in Register No. 692 on August 31, 2013, and approved by the Secretary of Workforce Development on September 11, 2013.

### **Finding of Emergency**

The Department of Workforce Development finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public welfare. Statements of the facts constituting the emergency are:

- (1) In order to fulfill the new statutory directives to require claimants for unemployment insurance benefits to increase their number of weekly work search actions from two to at least four;
- (2) In order to simplify the process and compliance with respect to requirements for unemployment insurance claimants to register for work;
- (3) In order to execute the new statutory requirement to request additional information from claimants;
- (4) In order to improve the unemployment insurance trust fund balance and thereby relieve employers of the burden of additional taxation;
- (5) In order to better assist unemployment insurance benefit claimants to obtain gainful employment; and,
- (6) In order to promote the improvement in the Wisconsin economy as a result of the immediate implementation of legislative directives with respect to the unemployment insurance program contained in 2013 Wisconsin Act 20 and 2013 Wisconsin Act 36.

Adoption of the emergency rule will ensure that these legislative directives are implemented within the time-frame envisioned with enactment of 2013 Wisconsin Act 20 and 2013 Wisconsin Act 36.

**Filed with LRB: September 25, 2013**

**Publication Date: September 29, 2013**

**Effective Dates: September 29, 2013 through February 25, 2014, except that changes to ss. DWD 126.03 and 127.02 take effect after the Secretary determines the Department has the technological ability to implement the changes.**

**Hearing Date: November 4, 2013**

**Extension Through: June 25, 2014**

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### **Workforce Development** *Apprenticeship, Chs. DWD 295–296*

**EmR1406** — The Wisconsin Department of Workforce Development hereby adopts the following emergency rule to create **section DWD 295.25**, relating to apprenticeship completion awards.

The emergency rule was approved by the governor on March 21, 2014.

The statement of scope for this emergency rule was approved by the Governor on February 13, 2014, published in Register No. 698 on February 28, 2014, and approved by the Secretary of the Department of Workforce Development on March 11, 2014.

### **Finding of Emergency**

The department of workforce development finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public welfare. Statements of facts constituting an emergency include:

(1) Wisconsin currently has more than 2,100 employers participating in, and training individuals, under the apprenticeship program.

(2) During 2013, Wisconsin had 9,723 valid apprenticeship contracts.

(3) Over the past ten years, the completion rate of the apprenticeship program averaged between 55–60%.

(4) 2013 Wisconsin Act 57 creates an apprenticeship completion award program to be administered by the department of workforce development to partially reimburse tuition costs incurred by an apprentice who has successfully completed part or all of the requirements of their apprenticeship contract, and is employed in the trade, occupation, or business under the apprenticeship contract, or the sponsor of the apprentice.

(5) The department of workforce development has received general purpose revenue (GPR) funds of \$225,000 in fiscal year 2013–14 and 2014–15, to distribute up to 25%, or \$1,000, whichever is less, of the tuition costs incurred by the apprentice and sponsor of the apprentice. The amount of the first payment upon successful completion by the apprentice of the first year of the contract may not exceed \$250.

(6) The department of workforce development is adopting this emergency rule to prevent a potential hardship to Wisconsin's apprenticeship program participants. Adoption of this emergency rule will ensure those participating in an eligible apprenticeship contract may begin receiving apprenticeship completion awards as soon as possible. Because a permanent rule cannot be adopted in time, GPR funds for fiscal year 2013–14 would be lost if the emergency rule is not adopted.

**Filed with LRB: March 26, 2014**

**Publication Date: March 27, 2014**

**Effective Dates: March 27, 2014 through August 23, 2014**

**Hearing Date: May 15, 2014**

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## Scope Statements

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### Safety and Professional Services

#### *Professional Services, Chs. 1—299*

SS 058–14

This statement of scope was approved by the governor on May 28, 2014.

#### **Rule No.**

Chapters SPS 50, 60 to 62, and 65 (revise).

#### **Relating to**

Barbering and schools of barbering, cosmetology, aesthetics, electrology, and manicuring.

#### **Rule Type**

Permanent.

#### **1. Finding/Nature of Emergency (Emergency Rule Only)**

Not applicable.

#### **2. Detailed Description of the Objective of the Proposed Rule**

This rulemaking project expects to include a comprehensive update to all rules in these chapters to make them consistent with contemporary industry, regulatory, and academic practices. It is also intended to bring these rules into compliance with any corresponding statutory aspects, including 2011 Wisconsin Act 190, 2013 Wisconsin Act 114 and 2013 Wisconsin Act 205. Other legislation pertaining to hours of course instruction, definitions and exemptions may be included in this rulemaking project, if enacted.

#### **3. Description of the Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives**

Chapter SPS 50 applies to the licensing of barbers, barbering managers, and barbering establishments; the proposed revisions may include renewal and reinstatement of such licenses.

Chapters SPS 60 to 62 and 65 currently contain all of the Department's rules relating to schools of barbering, cosmetology, aesthetics, electrology, and manicuring. These rules address licensing and regulation of these schools and the instructors in these schools. These rules have not been comprehensively updated subsequent to being created over 20 years ago.

The alternatives of either partially updating or not updating these rules would be less beneficial to the entities affected by these rules.

#### **4. Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)**

Section 227.11 (2) (a), Stats., authorizes the Department to promulgate rules interpreting any statute that is enforced or administered by the Department, if the rule is considered necessary to effectuate the purpose of the statute.

Section 440.64 (1) (b), Stats., requires the Department to promulgate rules that do all of the following for these schools:

1. Establish standards and criteria to prevent fraud and misrepresentation in the sale and advertising of courses and courses of instruction.

2. Regulate the negotiability of promissory instruments received by schools in payment of tuition and other charges.

3. Establish minimum standards for the refund of portions of tuition, fees and other charges if a student does not enter a course or course of instruction or withdraws or is discontinued from a course or course of instruction.

4. Establish standards and criteria requiring schools to furnish information to the Department concerning their facilities, curricula, instructors, registration and enrollment policies, enrollment rosters, student training hours, contracts, financial records, tuition and other charges and fees, refund policies and policies concerning the negotiability of promissory instruments received in payment of tuition and other charges.

Section 454.25 (1) and (3), Stats., authorizes the department to promulgate rules for:

1. Permitting the provision of barbering services outside of a licensed barbering establishment or a licensed cosmetology establishment by a barber to a person who is unable to leave his or her home because of illness or disability or who is in a hospital, nursing home, correctional institution, or other institution.

2. Establishing minimum standards concerning the maintenance, equipment, plans, and specifications for licensed barbering establishments as they relate to the public health and safety.

#### **5. Estimate of Amount of Time that State Employees Will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule**

The staff time needed to develop the rules is expected to be about 120 hours, depending on the complexity. The agency will utilize existing staff. There are no other resources necessary to develop the rules.

#### **6. List with Description of all Entities that may be Affected by the Proposed Rule**

Schools of barbering, cosmetology, aesthetics, electrology, and manicuring, and instructors in these schools.

#### **7. Summary and Preliminary Comparison with any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed Rule**

No existing or proposed federal requirements were found for these schools.

#### **8. Anticipated Economic Impact of Implementing the Rule (Note if the Rule is Likely to Have a Significant Economic Impact on Small Businesses)**

The rule changes contemplated in this project are not expected to have any negative economic impacts on any of the entities listed above.

**Contact Person**

Shawn Leatherwood  
 Administrative Rules Coordinator  
[Shancethea.L Leatherwood@wisconsin.gov](mailto:Shancethea.L Leatherwood@wisconsin.gov)  
 Telephone (608) 261-4438 or  
 711 (Telecommunications Relay)  
 1400 East Washington Avenue  
 P.O. Box 8366  
 Madison, WI, 53708-8366.

**Safety and Professional Services —  
 Real Estate Examining Board**

SS 059-14

This statement of scope was approved by the governor on June 9, 2014.

**Rule No.**

Section REEB 16.06 (1) (b) (revise).

**Relating to**

Use of approved real estate forms.

**Rule Type**

Emergency and permanent.

**1. Finding/Nature of Emergency (Emergency Rule Only)**

Clearinghouse rule no. CR 13-073, relating to approved forms and legal advice, was recently adopted with a delayed effective date of July 2014. It was brought to the attention the Real Estate Examining Board (the Board) that in revising the rule after the public hearing and responding to Clearinghouse comments that the word “not” was inadvertently omitted in a specific paragraph, s. REEB 16.06 (1) (b). Neither s. 35.17 (1) or (2), Stats., provides a means to make such a correction without following the administrative rule-making procedures as outlined in ch. 227, Stats.

Section REEB 16.06 (1) (b) relates to a licensee’s use of board-approved forms. This specific paragraph has been in this rule and in effect prior to July 1988. The omission of the word “not” would allow reproduction of any board-approved form, and in doing so, allowing the omission of specific information, which may negatively affect protections to consumers entering into real estate transactions.

Additionally, if left uncorrected, the Board may not have the legal means to discipline a licensee with respect to the intended use of Board-approved forms.

**2. Detailed Description of the Objective of the Proposed Rule**

An inadvertent editing error occurred in a companion rule-making project whereby in responding to public comments and comments of the Clearinghouse Report, the omission of the word “not” in this specific paragraph, s. REEB 16.06 (1) (b) occurred. The Board desires to correct the text prior to the delayed effective date of the companion rule, ch. REEB 16 (CR 13-073).

**3. Description of the Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives**

Regarding the use of board-approved forms by licensees, documents specific to a real estate transaction are expected to

be uniform, clear, free of errors and omissions, accurately reflect all parties’ intent, and provide protection for all parties — brokers, lenders, and most importantly the buyers. There are no new policies in this rule project; the sole purpose is to correct an error, which if left uncorrected may lessen protections provided to consumers.

**4. Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)**

- Section 15.08 (5) (b), Stats.: This section requires any examining board to promulgate rules for their own guidance or the guidance of respective trade or profession.
- Section 452.07, Stats.: This section provides the Real Estate Examining Board the express authority to draft and approve rules relating to the guidance of the real estate profession. “S. 452.07 Rules. (1) The board shall promulgate rules for the guidance of the real estate profession and define professional conduct and unethical practice.”
- Section 452.05 (1) (b), Stats., reads: “Approve forms for use in real estate practice. The board may conduct public hearings on matters relating to the approval of forms used in real estate practice.”
- Section 452.14 (3) (m), Stats.: This sections relates to investigation and discipline of licensees and reads: “(m) Failed to use forms approved under s. 452.05 (1) (b);”

**5. Estimate of Amount of Time that State Employees Will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule**

The department estimates that approximately 50 hours is needed to perform the review and develop the rule change. This time includes meeting with the Real Estate Examining Board, drafting the rule change and processing the change through public hearing, legislative review, and adoption. The department will assign existing staff to perform the review and develop the rule change; existing staff will be utilized; no other resources will be needed.

**6. List with Description of all Entities that may be Affected by the Proposed Rule**

Licensed brokers, lenders and consumers.

**7. Summary and Preliminary Comparison with any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed Rule**

The Federal government does not license real estate brokers or salespersons.

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

The proposed rule is not expected to have a significant adverse economic impact on small business, as defined in s. 227.114 (1).

**Contact Person**

Sharon Henes, Administrative Rules Coordinator,  
 608-261-2377.

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## Submittal of Proposed Rules to Legislative Council Clearinghouse

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*Please check the Bulletin of Proceedings — Administrative Rules for further information on a particular rule.*

**Safety and Professional Services —  
Massage Therapy and Bodywork Therapy  
Affiliated Credentialing Board  
CR 14-041**

On June 16, 2014, the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board submitted a proposed rule to the Legislative Council Rules Clearinghouse.

**Analysis**

Statutory Authority: ss. 15.085 (5) (b), 227.11 (2) (a) and 460.04 (2) (a), Stats. This proposed rule-making order revises Wis. Admin. Code Chapter MTBT 5, relating to unprofessional conduct.

**Scope**

The scope statement for this rule, SS 128-13, was approved by the Governor on October 10, 2013, published in Register No. 694 on October 31, 2013, and approved by the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board on November 14, 2013.

**Agency Procedure for Promulgation**

A public hearing is required and will be held on July 22, 2014 at 1400 East Washington Avenue, Room 121, Madison, Wisconsin (enter at 55 North Dickinson Street).

**Contact Person**

Shawn Leatherwood, Department of Safety and Professional Services, Division of Policy Development, 608-261-4438, [Shancethea.Leatherwood@wisconsin.gov](mailto:Shancethea.Leatherwood@wisconsin.gov).

**Safety and Professional Services —  
Medical Examining Board  
CR 14-040**

On June 12, 2014, the Medical Examining Board submitted a proposed rule to the Legislative Council Rules Clearinghouse.

**Analysis**

Statutory Authority: Sections 15.08 (5) (b), 227.11 (2) (a), and 448.40 (2) (a), Stats., 2013 Wisconsin Act 111.

This proposed rule-making order revises Wis. Admin. Code Chapter Med 18 and relates to physicians and informed consent.

**Scope**

The scope statement for this rule, SS 021-14, was approved by the Governor on March 7, 2014, published in Register No. 699 on March 31, 2014, and approved by Medical Examining Board on April 12, 2014.

**Agency Procedure for Promulgation**

A public hearing is required and will be held on August 20, 2014 at 1400 East Washington Avenue, Room 121A, Madison, Wisconsin (enter at 55 North Dickinson Street).

**Contact Person**

You may contact Shawn Leatherwood, Department of Safety and Professional Services, Division of Policy Development, 608-261-4438, [Shancethea.Leatherwood@wisconsin.gov](mailto:Shancethea.Leatherwood@wisconsin.gov), for questions regarding the proposed rule.

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## Rule-Making Notices

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### Notice of Hearings

#### Natural Resources *Fish, Game, etc., Chs. 1—* **EmR1409**

(DNR # FH-03-14(E))

NOTICE IS HEREBY GIVEN THAT pursuant to ss. 227.16 and 227.17, Stats, the Department of Natural Resources, hereinafter the Department, will hold public hearings on the dates and at the times and locations listed below on Board Order FH-03-14(E) affecting Chapters NR 20 and 23, Wis. Adm. Code, relating to modifications in daily bag limits and minimum size limits in response to harvest.

The scope statement for this rule SS 012-14 was approved by the governor on February 14, 2014, Published in Register No. 698 on February 28, 2014 and approved by the Natural Resources Board on March 19, 2014.

This emergency board order was approved by the Natural Resources Board on May 28, 2014, and by the Governor on June 6, 2014, and is in effect.

#### Hearing Information

**Date:** Monday, July 14, 2014  
**Time:** 4:00 p.m.  
**Location:** Minocqua Public Library  
 415 Menominee Street, Suite B  
 Sue and Roger Smith Community  
 Meeting Room  
 Minocqua, WI 54548

**Date:** Wednesday, July 16, 2014  
**Time:** 2:00 p.m.  
**Location:** Department of Natural Resources  
 State Office Building  
 101 S. Webster Street, Room 413  
 Madison, WI 53707

Reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Contact Joe Hennessy, P.O. Box 7921, 101 S. Webster St., Madison, WI 53707; by email [joseph.hennessy@wisconsin.gov](mailto:joseph.hennessy@wisconsin.gov); or by calling (608) 267-9427. A request must include specific information and be received at least 10 days before the date of the scheduled hearing.

#### Availability of the Rules and Fiscal Estimate

The rule and supporting documents, including the fiscal estimate, may be viewed and downloaded from the Administrative Rules System website which can be accessed through the link <https://health.wisconsin.gov/admrules/public/Home>. If you do not have Internet access, a printed copy of the rule and supporting documents, including the fiscal estimate, may be obtained free of charge by contacting Joe Hennessy, Department of Natural Resources, Bureau of Fisheries Management, P.O. Box 7921, 101 S. Webster St, Madison, WI, 53707, or by calling (608) 267-9427.

### Submitting Comments

Comments on the rule must be received on or before **July 16, 2014**. Written comments may be submitted by U.S. mail, fax, email, or through the Internet and will have the same weight and effect as oral statements presented at the public hearing. Written comments and any questions on the rules should be submitted to:

Joe Hennessy  
 Department of Natural Resources  
 Bureau of Fisheries Management  
 P.O. Box 7921  
 Madison, WI 53707  
 Phone: (608) 267-9427  
 Fax: (608) 266-2244  
 Email: [joseph.hennessy@wisconsin.gov](mailto:joseph.hennessy@wisconsin.gov)  
 Internet: Use the Administrative Rules System Web site accessible through the link provided above.

### Analysis Prepared by the Department of Natural Resources

#### Statutory authority

Sections 29.014 (1) and 29.041, Stats., have been interpreted as giving the department the authority to make changes to fishing regulations on inland, outlying, and boundary waters of Wisconsin.

#### Related statutes or rules

The department will consider a related permanent rule at a later time that considers long-term tools that provide the flexibility necessary to adjust angler regulations associated with reductions in walleye bag limits on off-reservation waters within the Ceded Territory.

#### Plain language analysis

Pursuant to litigation arising from *Lac Courte Oreilles v Voigt*, 700 F.2d 341 (7th Cir. 1983), the six Wisconsin bands of Lake Superior Ojibwe (Chippewa Bands) have the right to take walleye from off-reservation waters using efficient methods such as spearing and netting. To accommodate harvest by high efficiency capture methods such as spearing and netting, the department adjusts angling regulations in lakes where such harvest occurs. This emergency rule is needed to promote the preservation and protection of public peace, health, safety, and welfare in the Ceded Territory of Wisconsin by minimizing regional social and economic disruption known to be associated with reductions in walleye bag limits on off-reservation waters.

Based on projected harvest goals of the Chippewa Bands on off-reservation lakes each year, daily bag limits for sport anglers (typically 5 walleye/day) may be adjusted to prevent a total harvest of more than 35% of the adult walleye population, and size limits may be adjusted to prevent a total harvest of more than 27% of the adult muskellunge population. Adjustments to 3, 2, or 1 walleye/day bag limits are typically made in early spring using safe harvest levels determined by the department on individual waters within the Wisconsin Ceded Territory.

In response to actual tribal harvest of walleye or muskellunge, the department may raise the daily bag limit or

reduce the minimum size limit as appropriate using the percent of the safe harvest level expected to be harvested through the first Sunday in March of the following year. These readjustments are typically made in late spring or early summer, after spring spearing and netting harvest has diminished.

This rule would continue to allow the department to readjust daily bag limits based on actual tribal harvest, but would enable the department to additionally consider expected harvest by non-tribal anglers. Lower bag limits at the start of the fishing season result in lower angler harvests, particularly in the month of May. It may not be necessary to continue stringent reductions in angler bag limits for the entire duration of the angling season to meet overall goals for the reduction of angler harvest.

Section 1 of the rule provides flexibility for a readjustment of the daily bag limits that considers that reduction of angler harvest realized by reduced angler bag limits during the month of May.

***Summary of, and comparison with, existing or proposed federal statutes and regulations***

The 1991 Voigt Decision affirms that the state bears responsibility and authority for management of all natural resources of the state. However, this responsibility and authority must be exercised in a manner that does not infringe on the Chippewa tribes' treaty rights as determined by the Voigt Decision. As such, the department is required to regulate angler harvest in a manner that both accounts for and accommodates tribal spearing and netting harvest, though the manner of such regulation is not specifically prescribed.

***Comparison with similar rules in adjacent states***

In Minnesota, several bands of Lake Superior Chippewa have harvested walleye and northern pike from Mille Lacs since 2000. Annual allowable total catch quotas are calculated for the lake and apportioned between tribal members and anglers. The State of Minnesota adjusts the size of fish allowed for angler harvest annually (a "harvest slot" limit), based on walleye population size and the age composition of that population.

Off-reservation spear harvest also occurs in Michigan, and the state of Michigan and the Great Lakes Indian Fish and Wildlife Commission use the same model for calculating Safe Harvest that is used in Wisconsin. Michigan has no specific response to tribal harvest in the regulations for state anglers but may consider such adjustments in the near future.

***Summary of factual data and analytical methodologies used and how any related findings support the regulatory approach chosen***

To accommodate harvest by high efficiency capture methods such as spearing and netting, the department adjusts angling regulations in lakes where such harvest occurs. In response to actual tribal harvest of walleye or muskellunge, the department may raise the daily bag limit or reduce the minimum size limit as appropriate using the percent of the safe harvest level expected to be harvested through the first Sunday in March of the following year. This rule would continue to allow the department to readjust daily bag limits based on actual tribal harvest, but would enable the department to additionally consider expected harvest by non-tribal anglers.

The department ensures the accuracy, integrity, objectivity and consistency of data used in preparing the rule.

***Analysis and supporting documents used to determine the effect on small business or in preparation of an economic impact report***

Exact economic impact of the rule is unknown. The rule does not directly affect businesses; it affects sport anglers. No expenses are imposed on businesses, business associations, public utility rate payers, or local governmental units.

Current rules limit the department's ability to fully consider all relevant harvest regulations when readjusting bag limits in late spring, and result in unnecessarily restrictive angling regulations that directly affect anglers and indirectly affect those who provide equipment, food, lodging, and other support to both local and visiting anglers. Considering additional information when readjusting angler bag limits and/or size limits will allow for implementation of reasonable angling regulations that still provide the necessary degree of protection for walleye populations and do not in any way restrict or infringe upon tribal usufructuary rights. An indeterminate positive impact is expected for businesses that directly or indirectly support anglers by encouraging additional participation in angling.

**Effect on Small Business**

No additional compliance or reporting requirements will be imposed on small businesses as a result of these rule changes. No implementation or compliance costs are expected to be incurred.

The Small Business Regulatory Coordinator may be contacted at [SmallBusiness@dnr.state.wi.us](mailto:SmallBusiness@dnr.state.wi.us), or by calling (608) 266-1959.

**Environmental Analysis**

The Department has made a preliminary determination that adoption of the rules would not involve significant adverse environmental effects and would not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on comments received, an environmental analysis may be prepared before proceeding. This analysis would summarize the Department's consideration of the impacts of the proposal and any reasonable alternatives.

**Fiscal Estimate Summary**

Exact economic impact of the rule is unknown. The rule does not directly affect businesses or state or local government; it affects sport anglers. No expenses are imposed on businesses, business associations, public utility rate payers, or local governmental units. The rule would not adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of the State, but is expected to have an indeterminate positive impact on all of the above listed entities by encouraging additional participation in angling by both local citizens and visiting tourists.

No additional compliance or reporting requirements will be imposed on small businesses as a result of these rule changes. No implementation or compliance costs are expected to be incurred.

**Contact Information**

Joe Hennessy  
 Department of Natural Resources  
 Bureau of Fisheries Management  
 Phone: (608) 267-9427  
 Email: [joseph.hennessy@wisconsin.gov](mailto:joseph.hennessy@wisconsin.gov)



STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION  
DOA-2049 (R03/2012)

DIVISION OF EXECUTIVE BUDGET AND FINANCE  
101 EAST WILSON STREET, 10TH FLOOR  
P.O. BOX 7864  
MADISON, WI 53707-7864  
FAX: (608) 267-0372

## ADMINISTRATIVE RULES

### Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original       Updated       Corrected

2. Administrative Rule Chapter, Title and Number

NR 20 Fishing: Inland Waters; Outlying Waters and NR 23 WI-MI Boundary Waters

3. Subject

The proposed emergency rule addresses adjustments to fish daily bag limits and minimum size limits in response to harvest by both tribal and non-tribal anglers.

4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect       Increase Existing Revenues       Increase Costs  
 Indeterminate       Decrease Existing Revenues       Could Absorb Within Agency's Budget  
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy       Specific Businesses/Sectors  
 Local Government Units       Public Utility Rate Payers  
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes    No

9. Policy Problem Addressed by the Rule

The proposed rules would make modifications to portions of chs. NR 20 and 23, Wis. Adm. Code, pertaining to sport fishing regulations on inland and border waters of Wisconsin. These changes are proposed to protect and enhance the State's fish resources.

This emergency rule is needed to promote the preservation and protection of public peace, health, safety, and welfare in the Ceded Territory of Wisconsin by minimizing regional social and economic disruption known to be associated with reductions in walleye bag limits on off-reservation waters. Pursuant to litigation arising from *Lac Courte Oreilles v Voigt*, 700 F. 2d 341 (7th Cir. 1983), the six Wisconsin bands of Lake Superior Ojibwe (Chippewa Bands) have the right to take walleye from off-reservation waters using efficient methods such as spearing and netting.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

N/A – emergency rule   A public hearing for the emergency rule will be held within 45 days of rule promulgation.

11. Identify the local governmental units that participated in the development of this EIA.

N/A – emergency rule

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

Exact economic impact of the rule is unknown. The proposed rule does not directly affect businesses; it affects sport anglers. No expenses are imposed on businesses, business associations, public utility rate payers, or local governmental units. The proposed rule would not adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of the State, but is expected to have an indeterminate positive impact on all of the above listed entities by encouraging additional participation in angling by both local citizens and visiting tourists.

No additional compliance or reporting requirements will be imposed on small businesses as a result of these rule changes. No implementation or compliance costs are expected to be incurred.

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13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

To accommodate harvest by high efficiency capture methods such as spearing and netting, the department adjusts angling regulations in lakes where such harvest occurs. In response to actual tribal harvest of walleye or muskellunge, the department may raise the daily bag limit or reduce the minimum size limit as appropriate using the percent of the safe harvest level expected to be harvested through the first Sunday in March of the following year. This rule allows the department to readjust daily bag limits based on actual tribal harvest and additionally consider anticipated harvest by non-tribal anglers.

Current rules limit the department's ability to fully consider all relevant harvest regulations when readjusting bag limits in late spring, and result in unnecessarily restrictive angling regulations that directly affect anglers and indirectly affect those who provide equipment, food, lodging and other support to both local and visiting anglers.

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14. Long Range Implications of Implementing the Rule

This is an emergency rule that will be in effect for one fishing season.

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15. Compare With Approaches Being Used by Federal Government

Authority to promulgate fishing regulations is granted to states. None of the proposed changes violate or conflict with federal regulations.

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16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

In Minnesota, several bands of Lake Superior Chippewa have harvested walleye and northern pike from Mille Lacs since 2000. Annual allowable total catch quotas are calculated for the lake and apportioned between tribal members and anglers. The State of Minnesota adjusts the size of fish allowed for angler harvest annually (a "harvest slot" limit), based on walleye population size and the age composition of that population.

Off-reservation spear harvest also occurs in Michigan, and the state of Michigan and the Great Lakes Indian Fish and Wildlife Commission use the same model for calculating Safe Harvest that is used in Wisconsin. Michigan has no specific response to tribal harvest in the regulations for state anglers but may consider such rules in the near future.

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17. Contact Name

Steve Hewett

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18. Contact Phone Number

608-267-7501

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This document can be made available in alternate formats to individuals with disabilities upon request.

## Notice of Hearings

### Safety and Professional Services — Massage Therapy and Bodywork Therapy Affiliated Credentialing Board

CR 14-041

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board in ss. 15.085 (5) (b), 227.11 (2) (a), and 460.04 (2) (a), Wis. Stats., and interpreting ss. 460.04 (2) (a) and 460.14 (2) (a) to (j), Wis. Stats., the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board will hold a public hearing at the time and place

indicated below to consider an order to renumber section MTBT 5.02, to amend section MTBT 6.02 (2) (am), to repeal and recreate section MTBT 5.01, and to create sections MTBT 5.02 and 5.04, relating to unprofessional conduct.

#### Hearing Information

**Date:** Tuesday, July 22, 2014  
**Time:** 9:10 a.m..  
**Location:** 1400 East Washington Avenue  
 Room 121  
 (enter at 55 North Dickinson St.)  
 Madison, WI

#### Appearances at the Hearing

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation

but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708. Written comments must be received at or before the public hearing to be included in the record of rule-making proceedings.

#### **Place Where Comments are to be Submitted and Deadline for Submission**

Comments may be submitted to Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366 Madison, WI 53708-8366, or by email to [Shancethea.Leachwood@wisconsin.gov](mailto:Shancethea.Leachwood@wisconsin.gov). Comments must be received on or before **July 22, 2014**, to be included in the record of rule-making proceedings.

#### **Copies of Rule**

Copies of this proposed rule are available upon request to Shawn Leatherwood, Administrative Rules Coordinator Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708, by email at [Shancethea.Leachwood@wisconsin.gov](mailto:Shancethea.Leachwood@wisconsin.gov) or on our website at <http://dps.wi.gov/Default.aspx?Page=44e541e8-abdd-49da-8fde-046713617e9e>.

#### **Analysis Prepared by the Department of Safety and Professional Services**

##### *Statutes interpreted*

Sections 460.04 (2) (a) and 460.14 (2) (a) to (j), Stats.

##### *Statutory authority*

Sections 15.085 (5) (b), 227.11 (2) (a), and 460.04 (2) (a), Stats.

##### *Explanation of agency authority*

Pursuant to ss. 15.085 (5) (b) and 227.11 (2) (a), Stats., the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board (Board) is generally empowered by the legislature to promulgate rules that will provide guidance within the profession and rules that interpret the statutes it enforces or administers. Section 460.04 (2) (a), Stats., specifically empowers the Board to draft rules regarding the professional conduct of licensees practicing massage therapy or bodywork therapy. This proposed rule seeks to carry out this mandate by revising the rules related to unprofessional conduct.

##### *Related statute or rule*

None.

##### *Plain language analysis*

The passage of 2009 Wisconsin Act 355 transformed the Massage Therapy and Bodywork Council into the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board (Board). The Act granted the newly formed Board rule-making authority. Pursuant to that authority, the Board reviewed its unprofessional conduct rules and decided the rules were outdated and needed updating. The modernization of the rules will not result in a significant policy change but rather a further clarification of the ethical goals of the profession.

SECTION 1. Creates a section identifying the authority to promulgate the proposed rules.

SECTION 2. Renumbers s. MTBT 5.02.

SECTION 3. Modernizes the definition of unprofessional conduct for massage therapist and bodywork therapists.

SECTION 4. Creates a provision regarding auditing continuing education requirements.

#### ***Summary of, and comparison with, existing or proposed federal regulation***

None.

#### ***Comparison with rules in adjacent states***

**Illinois:** The grounds for unprofessional conduct for Illinois licensed massage therapists and bodywork therapists are governed by statute, ILL. COMP. STAT. 225/57. The rules are similar to current Wisconsin unprofessional conduct rules in that they are comprehensive ranging from prohibitions against false advertising to inability to practice with reasonable judgment and skill

**Iowa:** The Iowa Administrative Code sets forth the grounds for discipline of massage therapists in 645 IAC 134.2. The rules are similar to Wisconsin in that they cover a variety of topics; however the Iowa rules focus primarily on fraudulent behavior such as fraud in procuring a license, untruthful or improbable statements in advertising, and acceptance of any fee by fraud.

**Michigan:** Prohibited conduct of massage therapists as set forth in Michigan Administrative Code R 338.723, is limited to eight prohibitions. The prohibitions focus primarily on exceeding the boundaries of a professional relationship with clients such as taking on a professional role when a personal, scientific, legal, financial, or other relationship impairs the exercise of professional discretion or being involved in a dual relationship with a current or former client.

**Minnesota:** In Minnesota massage therapy and bodywork therapy are identified as complementary and alternative health care practices, Minn. Stat. §146A.01. Those who conduct alternative health care practices are regulated by statute, Minn. Stat. §146A.08. The statute identifies prohibited conduct covering a variety of topics including: prohibition against sexual contact with clients, adjudication as mentally incompetent and fraudulent billing practices.

#### ***Summary of factual data and analytical methodologies***

The Board reviewed its current unprofessional conduct rules and decided that the rules needed to be updated to conform to current practice within the profession. No other factual data or analytical methodologies were used. The Board ensures the accuracy, integrity, objectivity, and consistency of data were used in preparing the proposed rule and related analysis.

#### ***Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis***

These proposed rules do not have an economic impact on small businesses as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at [Tom.Engels@wisconsin.gov](mailto:Tom.Engels@wisconsin.gov), or by calling (608) 266-8608.

#### **Fiscal Estimate and Economic Impact Analysis**

The Fiscal Estimate and Economic Impact Analysis are below.

**Agency Contact Person**

Shawn Leatherwood, Administrative Rules Coordinator,  
Department of Safety and Professional Services, Division of  
Policy Development, 1400 East Washington Avenue, Room

151, P.O. Box 8366, Madison, Wisconsin 53708; telephone  
608-261-4438; email at [Shancethea.Leatherwood@wisconsin.gov](mailto:Shancethea.Leatherwood@wisconsin.gov).

STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION  
DOA-2049 (R03/2012)

DIVISION OF EXECUTIVE BUDGET AND FINANCE  
101 EAST WILSON STREET, 10TH FLOOR  
P.O. BOX 7864  
MADISON, WI 53707-7864  
FAX: (608) 267-0372

## ADMINISTRATIVE RULES

### Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original       Updated       Corrected

2. Administrative Rule Chapter, Title and Number

MTBT 5

3. Subject

Unprofessional Conduct

4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect       Increase Existing Revenues       Increase Costs  
 Indeterminate       Decrease Existing Revenues       Could Absorb Within Agency's Budget  
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy       Specific Businesses/Sectors  
 Local Government Units       Public Utility Rate Payers  
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes    No

9. Policy Problem Addressed by the Rule

The Massage Therapy and Bodywork Therapy Board (Board) recently reviewed its unprofessional conduct rules and determined that the rules were outdated. The Board decided to modernize the rules by making the language consistent with current practice within the profession. The promulgation of the proposed rules will not result in a significant policy change but rather a further clarification of the ethical goals of the profession.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The rule was posted on the Department of Safety and Professional Service's website for 14 days in order to solicit comments from businesses, associations representing businesses, local governmental units and individuals that may be affected by the rule. No comments were received.

11. Identify the local governmental units that participated in the development of this EIA.

No local governmental units participated in the development of this EIA.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units or the state's economy as a whole.

## 13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Updating the unprofessional conduct rules will provide greater guidance on ethical issues facing licensed massage therapists and bodywork therapists.

## 14. Long Range Implications of Implementing the Rule

Consistent application of the proposed rule will act as a deterrent to unethical conduct amongst licensed massage therapists and bodywork therapists.

## 15. Compare With Approaches Being Used by Federal Government

None.

## 16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

**Illinois:** The grounds for unprofessional conduct for Illinois licensed massage therapists and bodywork therapists are governed by statute, ILL. COMP. STAT. 225/57, and not rule as in Wisconsin. The rules are similar to current Wisconsin unprofessional conduct rules in that they are comprehensive ranging from prohibitions against false advertising to inability to practice with reasonable judgment and skill.

**Iowa:** The Iowa Administrative Code sets forth the grounds for discipline of massage therapists in 645 IAC 134.2. The rules are similar to Wisconsin in that they cover a variety of topics; however the Iowa rules focus primarily on fraudulent behavior such as fraud in procuring a license, untruthful or improbable statements in advertising, and acceptance of any fee by fraud.

**Michigan:** Prohibited conduct of massage therapists as set forth in Michigan Administrative Code R 338.723, is limited to eight prohibitions. The prohibitions focus primarily on exceeding the boundaries of a professional relationship with clients such as taking on a professional role when a personal, scientific, legal, financial, or other relationship impairs the exercise of professional discretion or being involved in a dual relationship with a current or former client.

**Minnesota:** In Minnesota massage therapy and bodywork therapy are identified as complementary and alternative health care practices, Minn. Stat. §146A.01. Those who conduct alternative health care practices are regulated by statute, Minn. Stat. §146A.08. The statute identifies prohibited conduct covering a variety of topics including: prohibition against sexual contact with clients, adjudication as mentally incompetent and fraudulent billing practices

## 17. Contact Name

Shawn Leatherwood

## 18. Contact Phone Number

608-261-4438

This document can be made available in alternate formats to individuals with disabilities upon request.

## Notice of Hearings

### Safety and Professional Services — Medical Examining Board CR 14-040

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Medical Examining Board in ss. 15.08 (5) (b), 227.11 (2) (a), and 448.40 (2) (a), Wis. Stats., and 2013 Wisconsin Act 111, and interpreting s. 448.30, Wis. Stats., the Medical Examining Board will hold a public hearing at the time and place indicated below to consider an order to amend sections Med 18.02 (3), 18.04 (3) and (5), and 18.05; to repeal and recreate section Med 18.03 (title); and to create section Med 18.04 (6), relating to physicians and informed consent.

#### Hearing Information

**Date:** Wednesday, August 20, 2014  
**Time:** 8:30 a.m.  
**Location:** 1400 East Washington Avenue  
 (enter at 55 North Dickinson Street)  
 Room 121A  
 Madison, WI

#### Appearances at the Hearing

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions, and argument in writing as well. Facts, opinions, and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708. Written comments must be received at or before the public hearing to be included in the record of rule-making proceedings.

#### Place where Comments are to be Submitted and Deadline For Submission

Comments may be submitted to Shawn Leatherwood, Administrative Rules Coordinator Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to [Shancethea.L Leatherwood@wisconsin.gov](mailto:Shancethea.L Leatherwood@wisconsin.gov). Comments must be received at or before the public hearing to be held on **August 20, 2014**, to be included in the record of rule-making proceedings.

**Copies of Rule**

Copies of this proposed rule are available upon request to Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708, by email at [Shancethea.Leatherwood@wisconsin.gov](mailto:Shancethea.Leatherwood@wisconsin.gov) or on our website at <http://dsps.wi.gov/Default.aspx?Page=44e541e8-abdd-49da-8fde-046713617e9e>.

**Analysis Prepared by the Department of Safety and Professional Services****Statutes interpreted**

Section 448.30, Stats.

**Statutory authority**

Sections 15.08 (5) (b), 227.11 (2) (a), and 448.40 (2) (a), Stats., 2013 Wisconsin Act 111.

**Explanation of agency authority**

Examining boards are authorized by s. 15.08 (5) (b), Stats., to promulgate rules that will provide guidance within their profession. Section 227.11 (2) (a), Stats., grants authority to boards to promulgate rules interpreting the statutes it enforces or administers as long as the proposed rule does not exceed proper interpretation of the statute. This proposed rule will interpret s. 448.30, Stats., which sets forth the guidelines physicians must follow in order to properly inform their patients regarding alternate modes of treatment. Section 448.40 (2) (a), Stats., grants express authority from the legislature to the Medical Examining Board to draft rules regarding informed consent.

**Related statute or rule**

None.

**Plain language analysis**

Recent legislation, 2013 Wisconsin Act 111, significantly impacted s. 448.30, Stats., and Wis. Admin Code ch. Med 18. Before the Act, physicians had a duty to inform their patients, under s. 448.30, Stats., of all alternate viable medical modes of treatment and about the benefits and risks of those treatments. After the passage of Act 111, physicians are required to inform their patients of reasonable alternate medical modes of treatment. The latter standard is not as broad as the former standard and in fact lessens the burden on physicians.

Another major change is the reasonable physician standard has replaced the reasonable patient standard. The reasonable physician standard requires doctors to disclose only the information that a reasonable physician in the same or similar medical specialty would know and disclose under the circumstances. The reasonable patient standard requires a physician to disclose information necessary for a reasonable person to make an intelligent decision with respect to the choices of treatment. The reasonable physician standard is a more objective approach and is the standard to which Wisconsin physicians must now adhere.

**Summary of, and comparison with, existing or proposed federal regulation**

Several federal agencies, including but not limited to the

Food and Drug Administration, have rules protecting human subjects participating in investigative trials. Investigators are required to obtain informed consent of each person that will participate in experimental studies, 21 CFR 50.20, including experiments involving drugs for human use found in 21 CFR 312.60. Obtaining informed consent from participants in the investigatory research is not intended to preempt any applicable federal, state, or local laws which require additional information to be disclosed in order for informed consent to be legally effective.

**Comparison with rules in adjacent states**

**Illinois:** Illinois does not have a comparable statute or rule.

**Iowa:** Iowa statutes create a presumption that informed consent was given if it is documented in writing. “A consent in writing to any medical or surgical procedure or course of procedure in patient care which meets the requirements of this section shall create a presumption that informed consent was given.” IOWA CODE § 147.137.

**Michigan:** Michigan’s statute has comparable language which is directed towards physicians who are treating breast cancer patients. Physicians are required to inform patients verbally and in writing about alternative modes of treatment of cancer. The statute sets forth the reasonable physician standards. “A physician’s duty to inform a patient under this section does not require disclosure of information beyond what a reasonably well-qualified physician licensed under this article would know.” MCLS §333.17013 (6).

**Minnesota:** Minnesota does not have comparable statute or rule.

**Summary of factual data and analytical methodologies**

No factual data was required for the rule-making in this proposal, due to the changes being necessitated by the passage of 2013 Wisconsin Act 111. For that reason, no factual data or analytical methodologies were used in the preparation of these proposed rules.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at [Tom.Engels@wisconsin.gov](mailto:Tom.Engels@wisconsin.gov), or by calling (608) 266-8608.

**Fiscal Estimate and Economic Impact Analysis**

The Fiscal Estimate and Economic Impact Analysis are below.

**Initial Regulatory Flexibility Analysis or Summary**

N/A

**Agency Contact Person**

Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4438; email at [Shancethea.Leatherwood@wisconsin.gov](mailto:Shancethea.Leatherwood@wisconsin.gov).

STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION  
DOA-2049 (R03/2012)

DIVISION OF EXECUTIVE BUDGET AND FINANCE  
101 EAST WILSON STREET, 10TH FLOOR  
P.O. BOX 7864  
MADISON, WI 53707-7864  
FAX: (608) 267-0372

## ADMINISTRATIVE RULES

### Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis

Original       Updated       Corrected

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2. Administrative Rule Chapter, Title and Number

Med 18

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3. Subject

Informed consent

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4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

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5. Chapter 20, Stats. Appropriations Affected

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6. Fiscal Effect of Implementing the Rule

No Fiscal Effect       Increase Existing Revenues       Increase Costs  
 Indeterminate       Decrease Existing Revenues       Could Absorb Within Agency's Budget  
 Decrease Cost

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7. The Rule Will Impact the Following (Check All That Apply)

State's Economy       Specific Businesses/Sectors  
 Local Government Units       Public Utility Rate Payers  
 Small Businesses (if checked, complete Attachment A)

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8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes    No

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9. Policy Problem Addressed by the Rule

This proposed rule is a result of recent legislation. 2013 Wisconsin Act 111 changed the standard regarding doctors informing patients of their health care options by removing the reasonable patient standard and replacing it with the reasonable physician standard. The reasonable physician standard requires doctors to disclose only the information that a reasonable physician in the same or similar medical specialty would know and disclose under the circumstances. As a result of the legislation doctors must obtain informed consent from their patients by advising them of reasonable alternate medical modes of treatment and the benefits and risks of those treatments in a manner consistent with the reasonable physician standard. The proposed rule will update Wis. Admin. Code s. Med 18 to reflect these changes.

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10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The Rule was posted on the Department and Professional Services website for 14 days in order to solicit comments from businesses, associations representing of Safety businesses, local governmental units and individuals that may be affected by the rule. No comments were received.

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11. Identify the local governmental units that participated in the development of this EIA.

No local governmental units participated in the development of this EIA.

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12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units or the state's economy as a whole.

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13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Physicians will advise their patients their patients in a manner of alternate modes of treatment in a manner that is consistent with current law. There is no alternative to implementing the proposed rule due to the changes being necessitated by passage of legislation.

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14. Long Range Implications of Implementing the Rule

Physicians consistently advising patients of reasonable alternate medical modes of treatment will result in physicians upholding their duty to inform patients in accordance with s. 448.30, Stats.

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15. Compare With Approaches Being Used by Federal Government

Several federal agencies, including but not limited to the Food and Drug Administration, have rules protecting human subjects participating in investigative trials. Investigators are required to obtain informed consent of each person that will participate in experimental studies, 21 CFR 50.20, including experiments involving drugs for human use found in 21 CFR 312.60. Obtaining informed consent from participants in the investigatory research is not intended to preempt any applicable federal, state, or local laws which require additional information to be disclosed in order for informed consent to be legally effective.

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16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

**Illinois:** Illinois does not have a comparable statute or rule.

**Iowa:** Iowa statutes create a presumption that informed consent was given if it is documented in writing. "A consent in writing to any medical or surgical procedure or course of procedure in patient care which meets the requirements of this section shall create a presumption that informed consent was given." IOWA CODE § 147.137.

**Michigan:** Michigan's statute has comparable language which is directed towards physicians who are treating breast cancer patients. Physicians are required to inform patients verbally and in writing about alternative modes of treatment of cancer. The statute sets forth the reasonable physician standards. "A physician's duty to inform a patient under this section does not require disclosure of information beyond what a reasonably well-qualified physician licensed under this article would know." MCLS §333.17013 (6).

**Minnesota:** Minnesota does not have comparable statute or rule.

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17. Contact Name

Shawn Leatherwood

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18. Contact Phone Number

608-261-4438

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This document can be made available in alternate formats to individuals with disabilities upon request.



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## Rule Orders Filed with the Legislative Reference Bureau

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*The following administrative rule orders have been filed with the Legislative Reference Bureau and are in the process of being published. The date assigned to each rule is the projected effective date. It is possible that the publication date of these rules could be changed. Contact the Legislative Reference Bureau at [bruce.hoesly@legis.wisconsin.gov](mailto:bruce.hoesly@legis.wisconsin.gov) or (608) 266-7590 for updated information on the effective dates for the listed rule orders.*

### **Agriculture, Trade and Consumer Protection** **CR 13-104**

An order to amend Chapter ATCP 82, relating to bulk milk collection, sampling, and transportation.  
Effective 8-1-14.

### **Employment Relations Commission** **CR 13-092**

An order to create Chapters ERC 70, 71, and 80, relating to annual certification elections.  
Effective 7-1-14.

### **Natural Resources**

#### ***Environmental Protection — Air Pollution, Chs. 400—*** **CR 13-070**

(DNR # AM-21-12)

An order to repeal sections NR 400.02 (101) and (106) and 410.03 (3); to amend sections NR 400.02 (123m) and (124), 405.02 (21) (b) 5. a. and b. and 6. and (25i) (a), 408.02 (20) (e) 5. a. and b. and 6. and (29m) (c), and 408.06 (1) (a); and to create section NR 405.02 (25i) (ag) and (ar) and (29m) (d), relating to revisions to air pollution control rules in chs. NR 405 and 408, necessary to maintain consistency with federal requirements, as well as in chs. NR 400 and 410, related to the repeal of ch. NR 411.  
Effective 8-1-14.

### **Natural Resources**

#### ***Environmental Protection — Air Pollution, Chs. 400—*** **CR 13-089**

An order to amend sections NR 446.12 (1), 446.13 (1), 446.14 (1) (a), (b), and (c) 1., 446.17 (1) (intro.), and 446.185 (1) (b); and to create section NR 446.17 (1) (Note), relating to the control of mercury emitted by coal-fired electric generating units.  
Effective 8-1-14.

### **Public Instruction** **CR 13-114**

An order to amend sections PI 5.02 (6) and (11m), 5.035 (2), (5), and (6), 5.04, and 5.05 (1) (a), relating to high school

equivalency diplomas and certificates of general educational development.  
Effective 7-1-14.

### **Public Instruction** **CR 13-115**

An order to amend section PI 25.05 (1) (intro), relating to the Children At Risk Plan and Program.  
Effective 8-1-14.

### **Public Instruction** **CR 13-116**

An order to repeal Chapter PI 42, relating to the school breakfast program.  
Effective 8-1-14.

### **Public Service Commission** **CR 13-048**

(PSC DOCKET # 1-AC-229)

An order to repeal sections PSC 113.0301 (1m) (j) and (3), 113.0406 (7), 134.062 (2), 134.063 (1) (L), 134.13 (7), 185.33 (18), and 185.37 (2) (L); to amend sections PSC 113.0301 (1m) (i), 134.062 (1) (k), and 185.37 (2) (k); and to create sections PSC 113.0408, 113.0409, 134.051, 134.053, 185.30, and 185.305, relating to applications for service and the Fair and Accurate Credit Transactions Act.  
Effective 8-1-14.

### **Workforce Development**

#### ***Unemployment Insurance, Chs. 100—150*** **CR 13-106**

An order to repeal sections DWD 111.07 and 132.03; to renumber section DWD 140.001 (2) (a); to amend sections DWD 113.01 (1) (intro.), 115.07 (2) (a), and 140.001 (1) and (2) (intro.); and to create sections DWD 113.01 (1) (c), 113.025, 140.001 (2) (ag) and (am), and 140.22 and Chapter DWD 114, relating to quarterly wage reporting, settlement of disputes and compromise of liabilities, license revocation and financial record matching, business transfers, determining eligibility of benefits, unemployment insurance appeals, and small business.  
Effective 8-1-14.

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# Rules Published with this Register and Final Regulatory Flexibility Analyses and Repeals and Modifications of Rules by Legislative Acts

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*The following administrative rule orders and legislative acts that repeal or modify rule have been adopted or enacted and the changes, additions, and deletions to the Wisconsin Administrative Code contained in these rules and acts have been incorporated into the affected chapters of the Administrative Code. The affected chapters are published in this edition of the Wisconsin Administrative Register. (see sections 35.93 and 227.265, Wis. Stats.)*

*For subscription information, contact Document Sales at (608) 266-3358. (Paper publication of and subscriptions to the Wisconsin Administrative Code and the subscription service will cease January 1, 2015. The administrative code will be published on the Internet at <http://legis.wisconsin.gov/rsb/code.htm>. See that site or <http://legis.wisconsin.gov/rsb/codenews.pdf> for details.)*

## Administrative Rules Published

### Employment Relations Commission

#### CR 13-092

An order of the Wisconsin Employment Relations Commission to create Chapters ERC 70, 71, and 80, relating to annual certification elections.

Effective 7-1-14.

#### Effect on Small Business

These rules have no effect on small business.

#### Summary of Comments

No comments were reported.

### Financial Institutions — Credit Unions

#### Rule Filed Pursuant to s. 186.118 (2), Stats.

A rule promulgated as required by Section 186.118 (2), Wis. Stats., to create Chapter DFI-CU 75, relating to authorized incidental powers activities.

Effective 7-1-14.

### Insurance

#### CR 13-044

An order of the Commissioner of Insurance to amend sections Ins 17.01 (3) (c) 1., 2., and 3., and 17.28 (3) (c), and to repeal and recreate section Ins 17.28 (6), relating to the Injured Patients and Families Compensation Fund Annual Fund and mediation panel fees, and ISO code amendments for the fiscal year beginning July 1, 2013, and affecting small business.

Effective 7-1-14.

#### Summary of Final Regulatory Flexibility Analysis

The Office of the Commissioner of Insurance has determined that this rule will not have a significant economic impact on a substantial number of small businesses and therefore a final regulatory flexibility analysis is not required.

#### Summary of Comments of Legislative Standing Committees

The legislative standing committees had no comments on this rule.

### Insurance

#### CR 13-059

An order of the Commissioner of Insurance to amend section Ins 51.01 (4) (a) 2., relating to risk based capital requirements.

Effective 7-1-14.

#### Summary of Final Regulatory Flexibility Analysis

The Office of the Commissioner of Insurance has determined that this rule will not have a significant economic impact on a substantial number of small businesses and therefore a final regulatory flexibility analysis is not required.

#### Summary of Comments of Legislative Standing Committees

The legislative standing committees had no comments on this rule.

### Natural Resources

#### Environmental Protection — General, Chs. 100—

#### CR 13-054

(DNR # WT-29-09)

An order of the Department of Natural Resources to repeal sections NR 114.03 (8), (9), (14), and (16), 114.05 (8), 114.08, 114.09, 114.12 (1), and 114.14 (1) (c) and (d); to amend subch. I NR 114 (title) and sections NR 114.01, 114.02, 114.03 (2), (3), (5), (10), (11), (12), and (13), 114.04, 114.05 (1), 114.06 (1) (b), 114.07 (5) (c), 114.10 (intro), 114.12 (title), and 114.14 (1) (h); to repeal and recreate sections NR114.03 (6) and 114.07 (5) (b); and to create subch. IV of ch. NR 114, relating to certification of waterworks and wastewater treatment plant operators by the Department of Natural Resources.

Effective 7-1-14, in part, and 7-1-15, in part.

#### Final Regulatory Flexibility Analysis

Based on the analysis, the Department determined that few, if any, small businesses would be affected by the proposed changes in wastewater treatment plant operator certification requirements. Small cheese factories may be the best example of a small business that would have wastewater treatment and management needs. Many of these small dairies land apply their wastewater and thus are excluded from operator certification requirements.

A positive effect on small business will be additional training opportunities for consultants and private trainers to provide advanced training (on-line or classroom) to operators, especially those seeking advanced certification through education. The requirement for municipal collection systems to have a certified operator will result in the development of sanitary sewer collection system classes by wastewater education based businesses and technical colleges for municipal operators who will need this certification in the next 5–10 years.

#### Summary of Comments

No comments were reported.

### Public Instruction

#### CR 13–114

An order to amend sections PI 5.02 (6) and (11m), 5.035 (2), (5), and (6), 5.04, and 5.05 (1) (a), relating to high school equivalency diplomas and certificates of general educational development.

Effective 7–1–14.

#### Effect on Small Business

The proposed rules will have no economic impact on small businesses, as defined in s. 227.114 (1), Stats.

#### Summary of Comments

No comments were reported.

### Public Service Commission

#### CR 13–039

(PSC DOCKET # 1–AC–238)

An order of the Public Service Commission to repeal and recreate Chapter PSC 114, regarding the adoption of the 2012 Edition of the National Electrical Safety Code into Volume 1 of the State Electrical Code.

Effective 7–1–14.

#### Final Regulatory Flexibility Analysis

This rule will not affect small businesses. The s. 227.114 (12), Stats., definition of “small business” states that to be considered a small business, the business must not be dominant in its field. Since electric utilities are monopolies in their service territories, they are dominant in their fields and, so, are not small businesses.

#### Summary of Comments

No Comments were reported.

### Public Service Commission

#### CR 13–101

(PSC DOCKET # 1–AC–242)

An order of the Public Service Commission to amend section PSC 111.51 (4) (b) 2., regarding the electronic delivery of applications for a Certificate of Public Convenience and Necessity (CPCN).

Effective 7–1–14.

#### Final Regulatory Flexibility Analysis

This rule will not affect small businesses. The s. 227.114(12), Stats., definition of “small business” states that

to be considered a small business, the business must not be dominant in its field. Since electric utilities are monopolies in their service territories, they are dominant in their fields and, so, are not small businesses.

#### Summary of Comments

No comments were reported.

### Safety and Professional Services — Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors

#### CR 12–039

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors to repeal sections A–E 9.05 (1) (b) and (6), to renumber section A–E 9.03 (1) as 9.03 (1) (a), to amend sections A–E 8.07 (1) and (2), 9.05 (1) (a), and 9.06 (3), and to create section 9.03 (1) (b), relating to landscape architect licensure and practice.

Effective 7–1–14.

#### Effect on Small Business

Because the statutory changes that prompted this proposal took effect over two years ago, these proposed rules will not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats., beyond that which such businesses have already experienced and absorbed.

#### Summary of Comments

No comments were reported.

### Safety and Professional Services — Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors

#### CR 13–064

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors to amend sections A–E 13.08 (4) and 13.09, relating to comity renewal requirements.

Effective 7–1–14.

#### Effect on Small Business

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats.

#### Summary of Comments

No comments were reported.

### Safety and Professional Services — Dentistry Examining Board

#### CR 13–060

An order of the Dentistry Examining Board to repeal and recreate section DE 9.01, amend section DE 9.02 (intro.), (1), (2), and (4), and create section DE 9.015, relating to lab work authorizations.

Effective 7–1–14.

#### Effect on Small Business

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats.

#### Summary of Comments

No comments were reported.

**Safety and Professional Services — Dentistry  
Examining Board**

**CR 13-061**

An order of the Dentistry Examining Board to amend sections DE 11.05 (1), 11.06 (1), and 11.07 (1) and create sections DE 11.02 (1s), (1t), and (1u), and 11.025, relating to sedation permits and classes of permits.

Effective 7-1-14.

**Effect on Small Business**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats.

**Summary of Comments**

No comments were reported.

**Safety and Professional Services — Dentistry  
Examining Board**

**CR 13-074**

An order of the Dentistry Examining Board to amend sections DE 12.01 (intro.), (1), (2), and (3), 12.02, and 12.03, relating to training of unlicensed persons.

Effective 7-1-14.

**Effect on Small Business**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats.

**Summary of Comments**

No comments were reported.

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## Administrative Code Sections Affected by Rule Revisions, Legislative Acts, and Corrections

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*The following administrative code provisions were revised by rule orders, modified or repealed by legislative act, or corrected by the Legislative Reference Bureau in **June 2014**. Revised, modified, and corrected administrative code chapters are published in this Register. Repealed chapters of the administrative code are removed from the code on the first day of the first month following publication of this Register. For additional information, contact the Legislative Reference Bureau at (608) 266-3651.*

### Revisions by Rule Order

#### Agriculture, Trade and Consumer Protection

##### Ch. ATCP 141

ATCP 141.03 (Note)

##### Ch. ATCP 145

ATCP 145.03 (Note)

#### Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors

##### Ch. A-E 8

A-E 8.07 (intro.), (1), (2)

##### Ch. A-E 9

A-E 9.03 (1) (a), (b)

A-E 9.05 (1) (a), (b), (b)

A-E 9.06 (3)

##### Ch. A-E 13

A-E 13.08 (4)

A-E 13.09

#### Dentistry Examining Board

##### Ch. DE 9

DE 9.01

DE 9.015

DE 9.02 (intro.), (1), (2)

##### Ch. DE 11

DE 11.02 (1s), (1t), (1u)

DE 11.025

DE 11.05 (1) (intro.)

DE 11.06 (1)

DE 11.07 (1) (intro.)

##### Ch. DE 12

DE 12.01 (intro.) to (3)

DE 12.02

DE 12.03

#### Employment Relations Commission

##### Ch. ERC 70

Entire Chapter (Created)

##### Ch. ERC 71

Entire Chapter (Created)

#### Ch. ERC 80

Entire Chapter (Created)

#### Insurance

##### Ch. Ins 17

Ins 17.01 (3)

Ins 17.28 (3) (c) 1. to 3., (6)

##### Ch. Ins 51

Ins 51.01 (4) (a) 2.

#### Natural Resources

##### Ch. NR 114

NR 114 Subch. I (title)

NR 114.01

NR 114.02

NR 114.03 (2), (3), (5), (6), (8), (9), (10), (11), (12), (13), (14), (16)

NR 114.04

NR 114.05 (1), (8)

NR 114.06 (1) (b)

NR 114.07 (5) (c)

NR 114.08

NR 114.09

NR 114.10 (intro.)

NR 114.12 (title), (1)

NR 114.14 (1) (c), (d), (h)

NR 114.50

NR 114.51

NR 115.52

NR 114.53

NR 114.54

NR 114.55

NR 114.56

NR 114.57

NR 114.58

NR 114.59

NR 114.60

#### Public Instruction

##### Ch. PI 5

PI 5.02 (6), (11m)

PI 5.035 (2), (5), (6)

PI 5.04

PI 5.05 (1) (a)

**Ch. PSC 114**

Entire Chapter (Repealed and Recreated)

**Public Service Commission**

**Ch. PSC 111**

PSC 111.51 (4) (b) 2.

**Repeals and Modifications of Rules by Legislative Act**

Repeals and modifications by legislative act under authority of s. 186.118, Stats.

**Financial Institutions — Credit Unions**

**Ch. DFI—CU 75**

Entire Chapter (Created)

**Editorial Corrections**

Corrections by the Legislative Reference Bureau under the authority of ss. 13.92 (4) (b) or 35.17 (2), Stats.

**Employment Relations Commission**

**Ch. ERC 70**

ERC 70.06

**Ch. ERC 71**

ERC 71.03 (1)

**Natural Resources**

**Ch. NR 114**

NR 114.52 (7) (intro.)

**Revenue**

**Ch. Tax 61**

Tax 61.25 (1) (intro.), (Note)

**Insurance**

**Ch. Ins 51**

Ins 51.01 (9) (a) 2.

Ins 51.80 (2)

**Transportation**

**Ch. Trans 312**

Register date corrected

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## Executive Orders

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**The following are recent Executive Orders issued by the Governor.**

**Executive Order 135.** Relating to a Proclamation that the Flag of the United States and the Flag of the State of Wisconsin Be Flown at Half-Staff as a Mark of Respect for Sergeant Heidi Lynn Ruh of the United States Army, Who Lost Her Life While Serving Her Country in Kosovo. **(May 19, 2014)**

**Executive Order 136.** Relating to a Proclamation that the Flag of the United States and the Flag of the State of Wisconsin Be Flown at Half-Staff as a Mark of Respect on Memorial Day. **(May 22, 2014)**

**Executive Order 137.** Relating to the Wisconsin Veterans Employment Initiative. **(June 13, 2014)**

# Public Notices

## Health Services

### Annual Adjustment to Fees That May be Charged by a Health Care Provider for Providing Copies of a Patient's Health Care Records

#### Statutory Authority

Pursuant to Wis. Stat. s. 146.83 (3f) (c) 2., each July 1, beginning on July 1, 2012, the Department of Health Services is required to adjust, by the percentage difference between the consumer price index for the 12-month period ending on December 31 of the preceding year and the consumer price index for the 12-month period ending on December 31 of the year before the preceding year, the dollar amounts specified under Wis. Stat. s. 146.83 (3f) (b) that a health care provider may charge for providing copies of a patient's health care records.

Under the methods prescribed in Wis. Stat. s. 146.83 (3f) (c) 2., the adjusted dollar amounts that a health care provider may charge for providing copies of a patient's health care records are as follows:

#### Schedule of Health Care Provider Records Fees July 1, 2014 – June 30, 2015

	% difference from Dec 2012 to Dec 2013	Previous charges 2013	Adjustment for CPI % increase	New Charges 2014
	1.50%			
<b>Paper Copies (per page)</b>				
First 25 pages		\$ 1.04	\$ 0.02	\$ 1.06
Pages 26 to 50		\$ 0.77	\$ 0.01	\$ 0.78
Pages 51 to 100		\$ 0.52	\$ 0.01	\$ 0.53
Pages 101 and above		\$ 0.31	\$ 0.00	\$ 0.31
Microfiche or Microfilm (per page)		\$ 1.55	\$ 0.02	\$ 1.57
Print of an X-ray (per image)		\$ 10.32	\$ 0.15	\$ 10.47
<b>If the requestor is not the patient or a person authorized by the patient</b>				
Certification of Copies		\$ 8.26	\$ 0.12	\$ 8.38
Retrieval Fee		\$ 20.65	\$ 0.31	\$ 20.96
Actual Shipping Costs and Any Applicable Taxes				
For fee related questions: Please contact the Bureau of Fiscal Services at 608-266-8217				
For statute interpretation questions: Please contact the Office of Legal Counsel at 608-266-0885				



## Health Services

### Wisconsin Department of Health Services (Public Forum Regarding BadgerCare Plus Demonstration Project Waiver)

The State of Wisconsin reimburses providers for services provided to Medical Assistance recipients under the authority of Title XIX of the Social Security Act and Chapter 49 of the Wisconsin Statutes. This program, administered by the State's Department of Health Services (the Department), is called Medical Assistance (MA) or Medicaid. In addition, Wisconsin has expanded this program to create BadgerCare Plus program under the authority of Title XIX and Title XXI of the Social Security Act and Chapter 49 of the Wisconsin Statutes. Federal statutes and regulations require that a state plan be developed that provides the methods and standards for reimbursement of covered services. A plan that describes the reimbursement system for the services (methods and standards for reimbursement) is now in effect.

Section 1115 of the Social Security Act provides the federal Secretary of Health and Human Services broad authority to authorize Research & Demonstration Projects, which are experimental, pilot, or demonstration projects likely to assist in promoting the objectives of the Medicaid statute. Flexibility under §1115 is sufficiently broad to allow states to test substantially new ideas of policy merit. Wisconsin sought and received approval of a demonstration project waiver from the Centers for Medicare and Medicaid Services (CMS) under this federal authority. CMS is an agency within the U.S. Department of Health and Human Services (DHHS).

The waiver allows Wisconsin to provide health care coverage through BadgerCare Plus to all childless adults between ages 19 and 64 and who have incomes that do not exceed 100% of the federal poverty level (FPL), beginning April 1, 2014. The 2013–15 biennial budget had originally planned for the program changes to go into effect on January 1, 2014; however, due to challenges with the federal Health Insurance Marketplace, Governor Walker and the Wisconsin Legislature delayed these changes by 90 days to April 1, 2014. For additional details please see:

<http://www.dhs.wisconsin.gov/badgercareplus/waivers.htm>

The Wisconsin BadgerCare Reform demonstration provides state plan benefits other than family planning services and tuberculosis-related services to childless adults who have family incomes up to 95 percent of the Federal Poverty Level (FPL) (effectively 100 percent of the FPL considering a disregard of 5 percent of income), and permits the state to charge premiums to adults who are only eligible for Medicaid through the Transitional Medical Assistance eligibility group (hereinafter referred to as "TMA Adults") with incomes above 133 percent of the FPL starting from the first day of enrollment and to TMA Adults from 100–133 percent of the FPL after the first 6 calendar months of TMA coverage.

The demonstration will allow the state to provide health care coverage for the childless adult population at or below an effective income of 100 percent of the FPL with a focus on improving health outcomes, reducing unnecessary services, and improving the cost-effectiveness of Medicaid services. Additionally, the demonstration will enable the state to test the impact of providing TMA to individuals who are paying a premium that aligns with the insurance affordability program in the Marketplace based upon their household income when compared to the FPL.

The state's goals for the program are to demonstrate whether the program will:

- Ensure every Wisconsin resident has access to affordable health insurance and reduce the state's uninsured rate.
- Provide a standard set of comprehensive benefits for low income individuals that will lead to improved healthcare outcomes.
- Create a program that is sustainable so Wisconsin's healthcare safety net is available to those who need it most.

In accordance with federal law, Section 431.420(c) of 42 CFR, the Department must conduct a public forum within 6 months after the implementation date of a §1115 demonstration project, and annually thereafter. At the public forum, the Department is to solicit comments on the progress of the demonstration project, and allow members of the public the opportunity to provide comments. The Department is to include a summary of the forum in the quarterly report to CMS associated with the quarter in which the forum was held, as well as in its annual report to CMS.

This notice serves to meet these federal requirements and to notify the public that the State of Wisconsin implemented a new BadgerCare Plus Demonstration Project Waiver on April 1, 2014. The new BadgerCare Plus Demonstration Project Waiver replaces two expired waivers: the BadgerCare and BadgerCare Plus for Childless Adults Section 1115 Demonstrations, as amended by the Medicaid 2014 Demonstration Project Waiver on July 1, 2012.

The following public hearing will be conducted:

Thursday, July 10  
3:00 to 5:00 p.m.  
Greater Philadelphia Church of God in Christ  
2947 N. Dr. Martin Luther King Drive  
Milwaukee, WI 53212

Through the BadgerCare Reform waiver, Wisconsin is providing full Medicaid benefits through the Standard Plan, including enhanced mental health benefits, substance abuse treatment and prevention benefits, to all adults in poverty

who were enrolled in Medicaid and BadgerCare Plus. Previously, this level of coverage had not been available to childless adults.

### **Accessibility**

#### **English**

DHS is an equal opportunity employer and service provider. If you need accommodations because of a disability or need an interpreter or translator, or if you need this material in another language or in an alternate format, you may request assistance to participate by contacting Al Matano at (608)267-6848. You must make your request at least 7 days before the activity.

#### **Spanish**

DHS es una agencia que ofrece igualdad en las oportunidades de empleo y servicios. Si necesita algún tipo de acomodaciones debido a incapacidad o si necesita un interprete, traductor o esta información en su propio idioma o en un formato alterno, usted puede pedir asistencia para participar en los programas comunicándose con Al Matano al número (608)267-6848. Debe someter su petición por lo menos 7 días de antes de la actividad.

#### **Hmong**

DHS yog ib tus tswv hauj lwm thiab yog ib qhov chaw pab cuam uas muab vaj huam sib luag rau sawv daws. Yog koj xav tau kev pab vim muaj mob xiam oob qhab los yog xav tau ib tus neeg pab txhais lus los yog txhais ntaub ntawv, los yog koj xav tau cov ntaub ntawv no ua lwm hom lus los yog lwm hom ntawv, koj yuav tau thov kev pab uas yog hu rau Al Matano ntawm (608)267-6848. Koj yuav tsum thov qhov kev pab yam tsawg kawg 7 hnub ua ntej qhov hauj lwm ntawd.

## **COPIES OF DEMONSTRATION PROJECT WAIVER**

### **Copies of Waiver Documents**

A copy of waiver documents, including the waiver application once complete, may be obtained from the department at no charge by downloading the documents from <http://dhs.wisconsin.gov/badgercareplus/waivers.htm> or by contacting:

#### **Regular Mail**

Al Matano  
Division of Health Care Access and Accountability  
P.O. Box 309  
Madison, WI 53707-0309

#### **Phone**

Al Matano  
(608)267-6848

#### **FAX**

(608)261-7792

#### **E-Mail**

[Alfred.Matano@dhs.wisconsin.gov](mailto:Alfred.Matano@dhs.wisconsin.gov)

## **WRITTEN COMMENTS**

Written comments are welcome and will be accepted through July 30, 2014. Written comments on the progress of the waiver to date may be sent by FAX, e-mail, or regular mail to the Division of Health Care Access and Accountability. The FAX number is (608) 266-1096. The e-mail address is [BCDemonstrationWaiver@dhs.wisconsin.gov](mailto:BCDemonstrationWaiver@dhs.wisconsin.gov). Comments can be made on the web site at:

<http://www.dhs.wisconsin.gov/badgercareplus/waivers.htm>

Regular mail can be sent to the above address.

Public comments will be considered to evaluate the progress of the demonstration project. A summary of the comments received will be included in the Department's quarterly report to CMS, and will be available on the department's web site at the address listed above.

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